Initial Study

N. 11th Street & E. Santa Clara Street Student Housing Project

Application File Number: PDC15-049 & PD15-044

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

June 2016

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SECTION 1.0 INTRODUCTION AND PURPOSE

This Initial Study of environmental impacts has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations 15000 et. seq.), and the regulations and policies of the City of San Jose. This Initial Study evaluates the potential environmental impacts which might reasonably be anticipated to result from the construction of the seven-story residential apartment building on a 0.62-acre site in downtown San Jose.

The City of San Jose is the Lead Agency under CEQA and has prepared this Initial Study to address the impacts of implementing the proposed project.

All documents referenced in this Initial Study are available for public review in the office of Planning, Building and Code Enforcement in San Jose City Hall, 200 E. Santa Clara Street, Tower, 3rd Floor, during normal business hours.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

N. 11th Street & E. Santa Clara Street Student Housing Apartments.

2.2 PROJECT LOCATION

The 0.62-acre project site (APN 467-16-076, 467-16-077, 467-16-078) is located at N. 11th Street and E. Santa Clara Street in downtown San Jose (see Figures 1, 2, 3). The site is bounded by N. 11th Street to the west, E. Santa Clara Street to the south, residences to the north and commercial uses to the east.

Figure 1 Regional Map
Figure 2 Vicinity Map
Figure 3 Aerial Map

2.3 LEAD AGENCY CONTACT

City of San José
Planning Project Manager: Leila Hakimizadeh
Environmental Review: Krinjal Mathur
Planning, Building and Code Enforcement
City of San José
200 E. Santa Clara Street, Tower, 3rd Floor
San José, CA 95113

2.4 PROPERTY OWNER/PROJECT APPLICANT

Shurong Niu
Horizon Real Properties Holdings LLC
235 E. 3rd Avenue #208
San Mateo, CA 94401

2.5 ASSESSOR'S PARCEL NUMBERS

505 E. Santa Clara St.: 467-16-078
509 E. Santa Clara St.: 467-16-077
525 E. Santa Clara St.: 467-16-076

2.6 ZONING DISTRICT AND GENERAL PLAN DESIGNATIONS

Zoning District: *CG-Commercial General*
RM-Residence District (Multiple Unit/Lot)

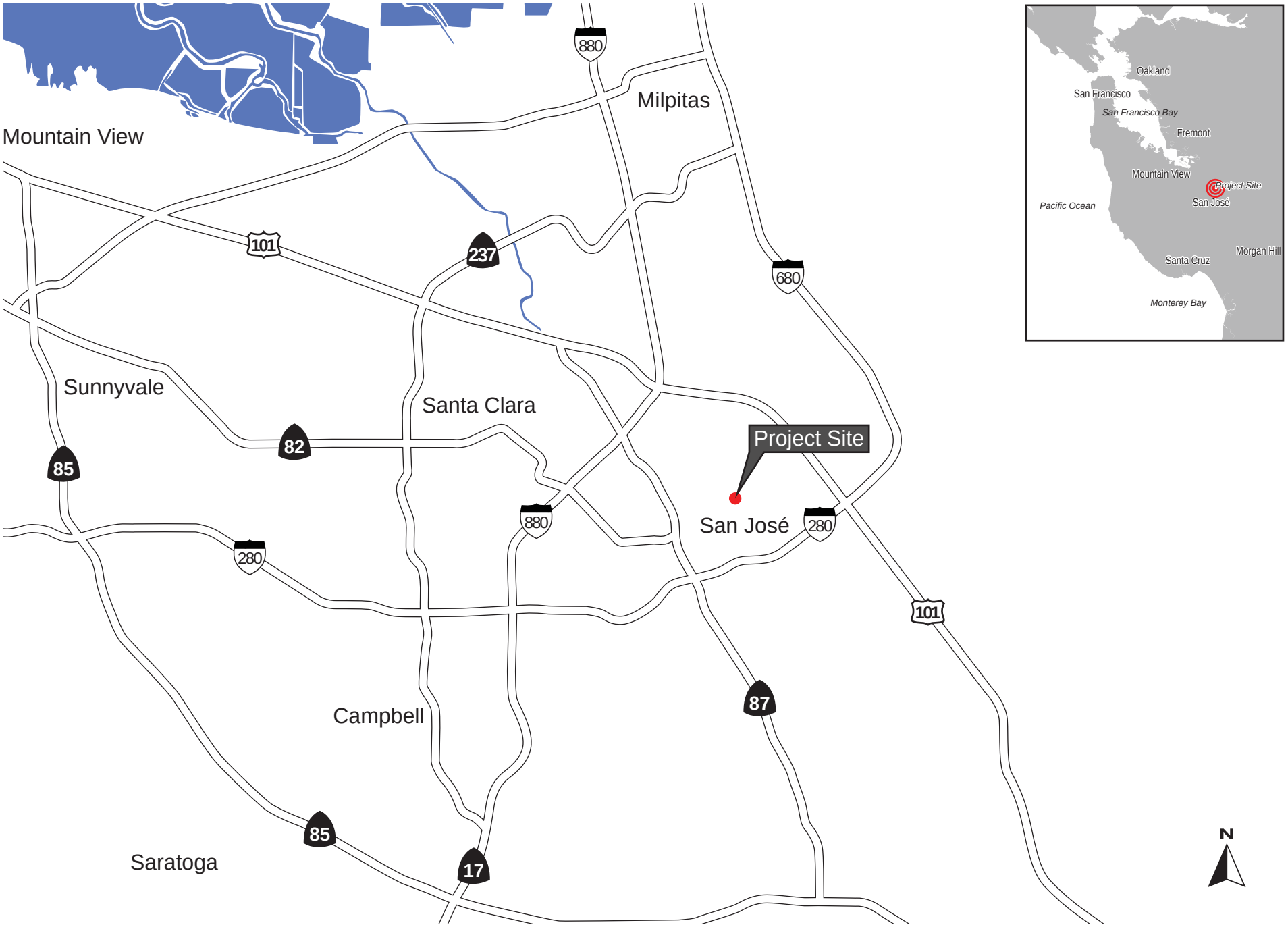
General Plan Designation: UV-Urban Village

2.7 HABITAT PLAN DESIGNATION

Land Cover Designation:	Urban-Suburban
Development Zone:	Area 4: Urban Development Equal to or Greater than Two Acres
Fee Zone:	Urban Areas (No Land Cover Fee)
Owl Conservation Zone:	N/A

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS AND PERMITS

- Planned Development (PD) Zoning
- Planned Development (PD) Permit
- Lot Line Adjustment
- Tree Removal Permit
- Grading Permit
- Building Permit

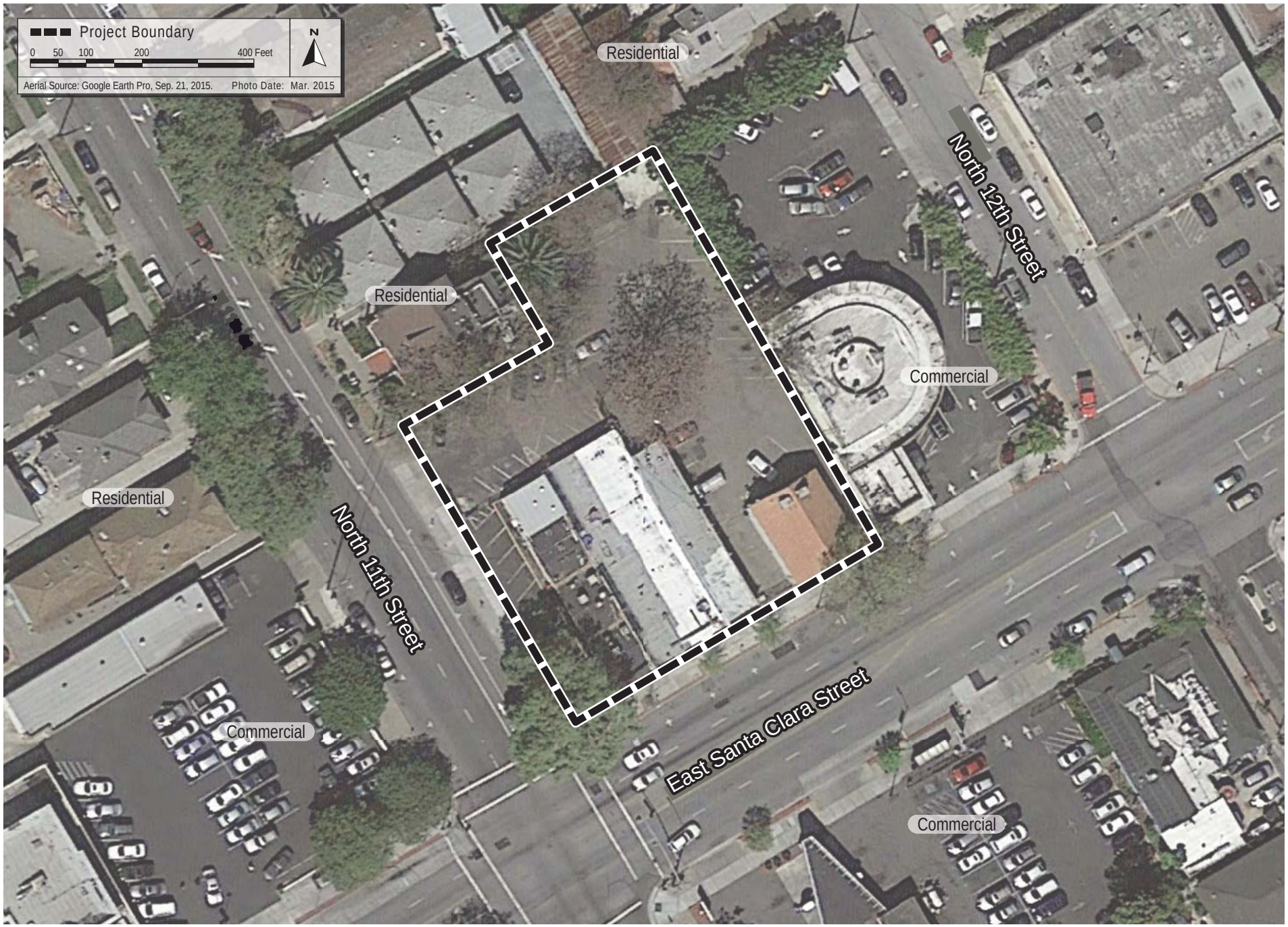


REGIONAL MAP

FIGURE 2.2-1

VICINITY MAP

FIGURE 2.2-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES FIGURE 2.2-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 OVERVIEW

The orientation of the project site is such that the E. Santa Clara Street frontage faces southeast. To simplify the discussion, the E. Santa Clara Street frontage is referred to as the southern property line and N. 11th Street is referred to as the western property line.

The 0.62-acre project site is located on three parcels (APN 467-16-076, -077, and -078) at 505, 509 and 525 E. Santa Clara Street in the City of San José. The project site is designated *Urban Village* in the *Envision San José 2040 General Plan* and zoned *CG – Commercial General* and *RM- Multiple Residence Zoning District).*

The project site is currently developed with four commercial buildings located on the E. Santa Clara Street frontage. Access to the site is provided via ingress/egress driveways on N. 11th Street and E. Santa Clara Street as shown in Figure 3 (aerial). Vehicle parking is located along the N. 11th Street frontage and on the northern portion of the site (the rear). Landscaping is located along N. 11th Street and E. Santa Clara Street frontages, and a planter box at the rear of the site.

3.2 REDEVELOPMENT AND SITE DESIGN

The project proposes to demolish the existing buildings and surface parking and construct a seven-story residential building totaling 134,419 square feet (sf). The intent of the proposed project is to provide additional non-university funded housing for students affiliated with San Jose State University. The ground floor of the building would have up to 5,683 sf of commercial retail space along the E. Santa Clara Street frontage and a lobby and leasing office along the N. 11th Street frontage. The ground floor parking would be located inside the building and north of the commercial space. On the second floor, the project proposes 5,847 sf of office space along the E. Santa Clara Street frontage, parking north of the office space, and a residential unit and office for the property manager along the N. 11th Street frontage. The third to seventh floors would include up to 86 residential units and approximately 300 bedrooms.

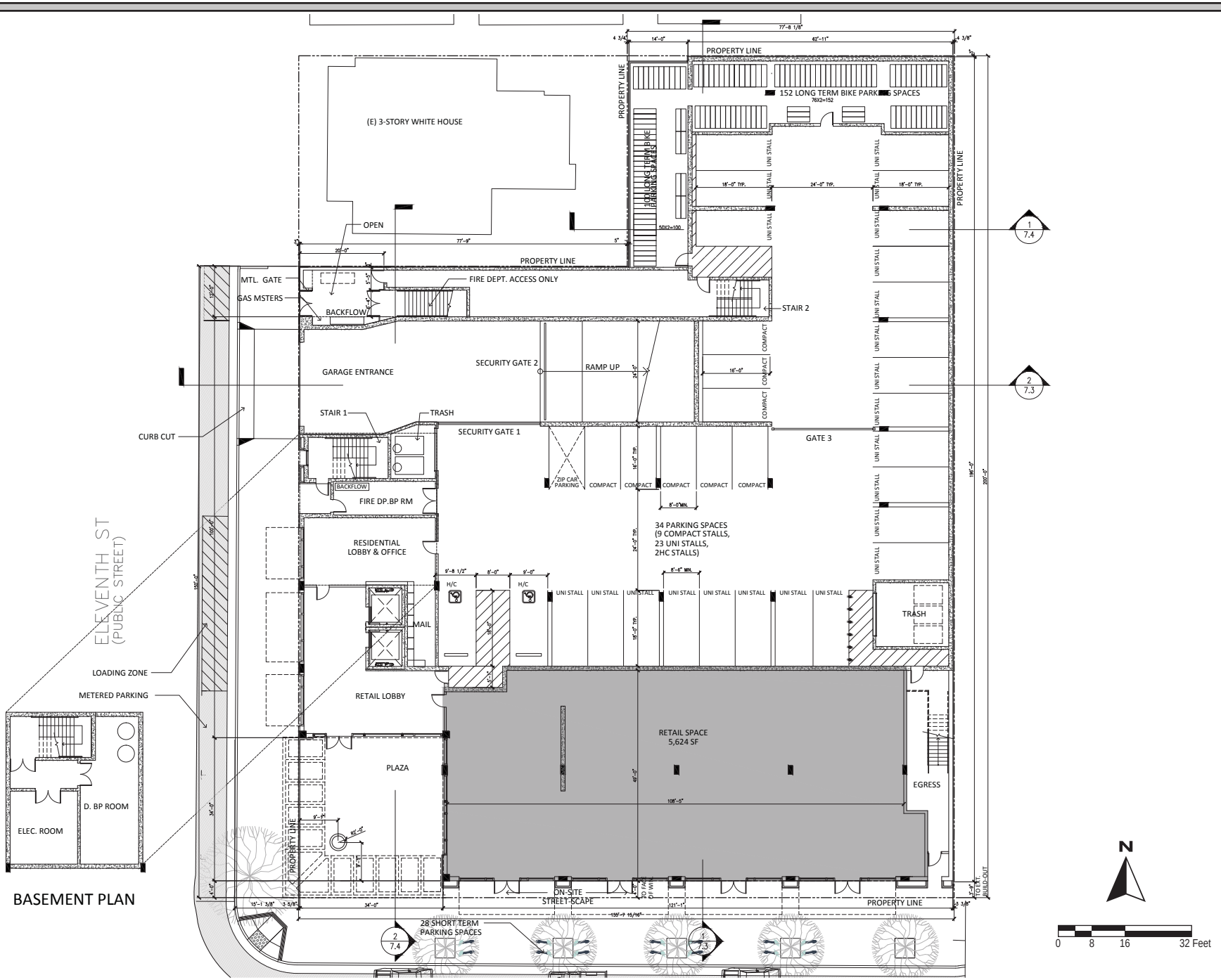
An outdoor courtyard would be centrally located on the podium level (third floor) and would be surrounded by residential units. The third to seventh floors would include up to 86 residential units and approximately 300 bedrooms. Small rooftop terraces would be located on the north side of the building on the fifth (approximately 541 sf) and sixth (approximately 735 sf) floors.

From E. Santa Clara Street, the residential building would step down from seven to four stories towards the northern boundary (rear) of the project site, backing up to a residential neighborhood. On floors three through seven, the building would be setback from the northern property line. The proposed building would have a maximum height of 98 feet, and would be set back 4 feet from E. Santa Clara Street, 0 feet from N. 11th Street, and 0 feet from the northern and eastern boundary of the site.

Figures 3.1-1, 3.1-2, and 3.1-3 show the proposed site plans.

3.2.1 Access and Parking

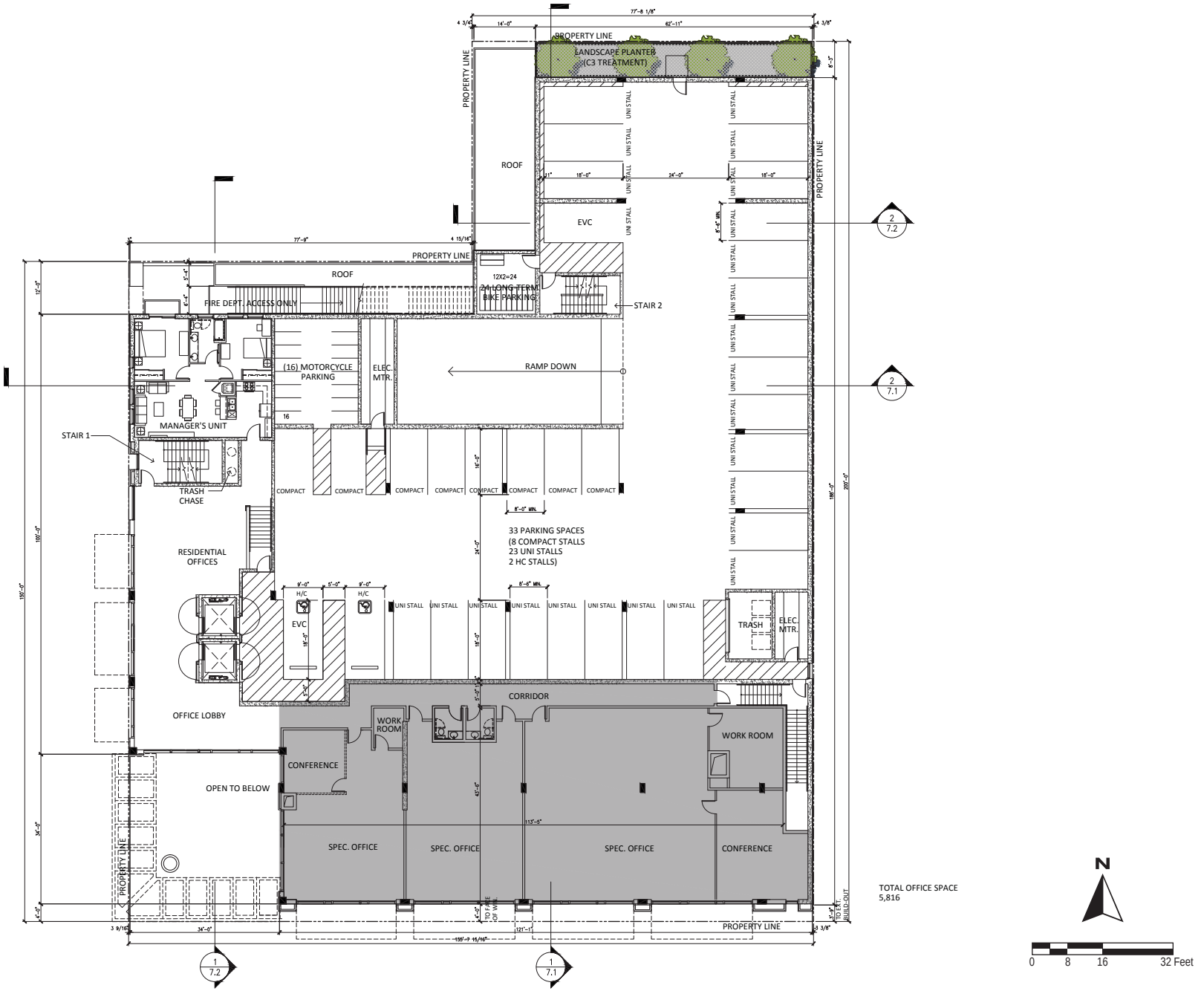
The project would include parking spaces in a parking garage on the first two levels of the proposed building. Thirty-four vehicle spaces and 272 bike parking spaces would be located on the ground floor level and 33 vehicle spaces, 16 motorcycle spaces, and 28 bike parking spaces would be located on the E. Santa Clara Street side of the project site. Vehicles would enter and exit the parking garage from a driveway on the west side of the site onto N. 11th Street. The driveway would also lead to a ramp to the second floor parking level.



BASEMENT PLAN

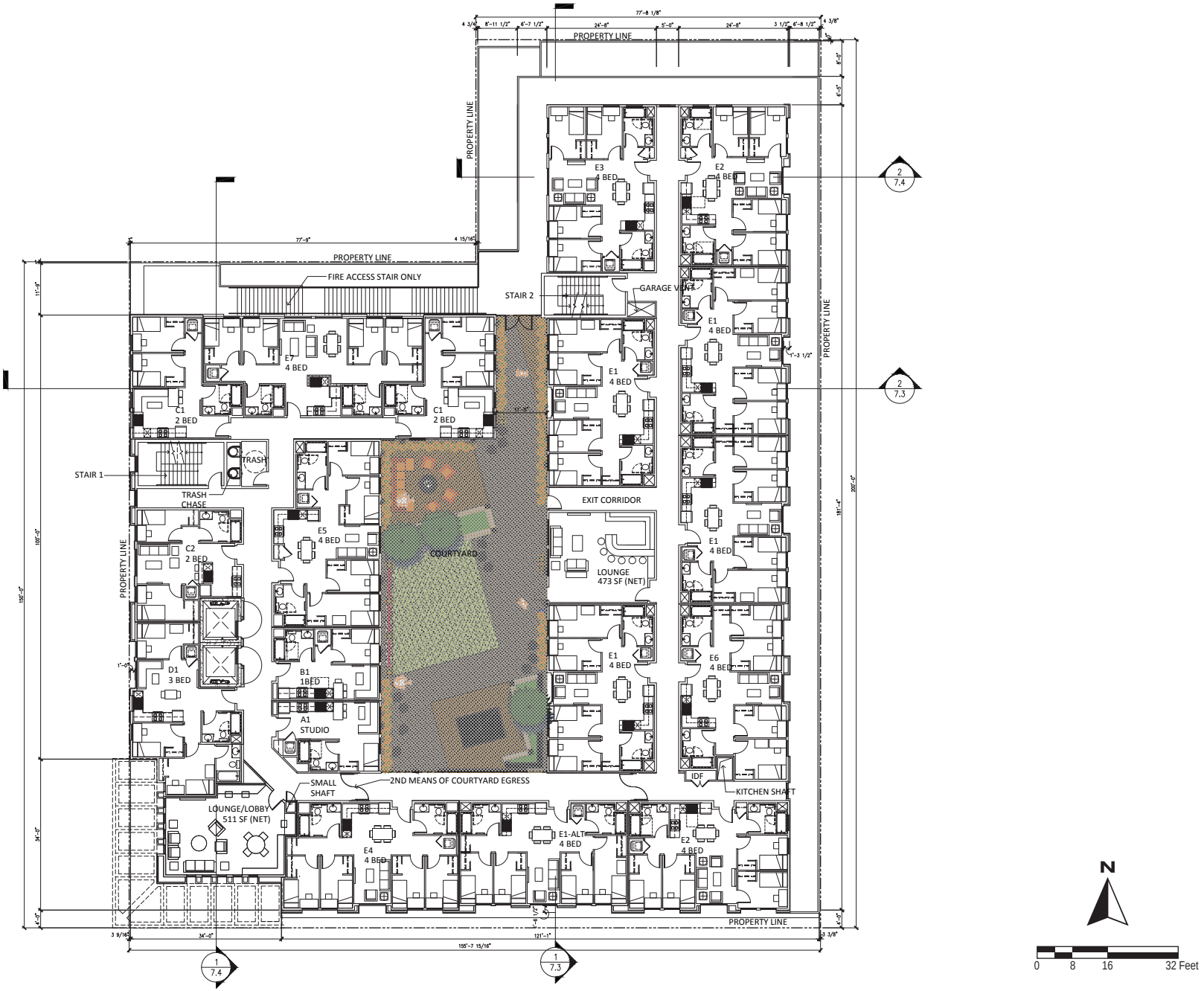
PROPOSED SITE PLAN - GROUND LEVEL

FIGURE 3.1-1



PROPOSED SITE PLAN - SECOND LEVEL

FIGURE 3.1-2



PROPOSED SITE PLAN - THIRD LEVEL

FIGURE 3.1-3

BUILDING ELEVATIONS FIGURE 3.1-4

BUILDING ELEVATIONS FIGURE 3.1-5

3.2.2 Open Space and Communal Areas

The project proposes a private courtyard on the podium level that would be centrally located to the residential units and include amenities such as BBQ areas and outdoor seating for residential use. The courtyard would be include ornamental landscaping and trees. In addition to the courtyard, the project would include gardens on portions of the second, fifth, and sixth floor rooftops**.**

3.3 GENERAL PLAN AND ZONING DESIGNATIONS

The project site is currently designated *Urban Village* in the *Envision San José 2040 General Plan* and zoned *CG – Commercial General* and *RM-Multiple Residence District*. The General Plan designation encourages high density housing and employment growth and supports a wide variety of commercial, residential, office or other land uses with an emphasis on establishing an attractive urban form in keeping with the Urban Village concept.

A maximum floor-area-ratio (FAR) of 10.0 and residential densities up to 250 DU/AC are allowed under the designation. The project proposes a residential development of up to 86 units (137.6 DU/AC) with an FAR of 4.9 and, therefore, it is consistent with the General Plan designation.

The zoning district *CG – Commercial General* allows commercial uses on the project site. Based on the project information, the proposed project is consistent with the General Plan designation but is inconsistent with the City's zoning district. The project proposes a rezoning from *CG- Commercial General* and *RM-Multiple Residence District* to CP*(PD) – Commercial Pedestrian Planned Development Zoning District.* The rezoning is intended to accommodate the proposed building height of 98 feet.

3.4 GREEN BUILDING MEASURES

The proposed project is designed to meet the LEED Certification and would be consistent with the City of San Jose's Green Building Ordinance.

SECTION 4.0 SETTING, ENVIRONMENTAL CHECKLIST AND IMPACTS

This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines §15370). Measures that are proposed by the applicant that will further reduce or avoid already less than significant impacts are categorized as "Avoidance Measures."

4.1 AESTHETICS

4.1.1 Setting

4.1.1.1 *Project Site*

The project site is located in Downtown San José. There are four, single-story commercial buildings on-site, with gable roofs totaling approximately 7,256 sf. Most of the site is paved including surface parking areas. Landscaping consists of small shrubs associated with 505 E. Santa Clara St. and trees along the sidewalk and bordering adjacent residences. There is one large free-standing sign at the northeast corner of N. 11th Street and E. Santa Clara Street. The trees on-site are mature, and the buildings are in fair condition. The project site is shown in Photos 1 and 2.

4.1.1.2 *Surrounding Land Uses*

The project site is surrounded by roadways, commercial buildings, and residences. The buildings are one- to two-stories in height with a variety of architectural styles and include a restaurant to the east, a two and a half story residence to the north, the Darling-Fischer Garden Chapel and surface-parking lot and one-story residences across N. 11th Street to the west, and a gas station across E. Santa Clara Street to the south. Surrounding land uses are shown in Photos 3-4.

N.11th Street is a one-way, two-lane roadway with on-street parking and a northbound bike lane on the eastern side. E. Santa Clara Street is a two-way, four-lane roadway with on-street parking and bike lanes on both sides of the roadway. There are trees and landscaping along the sidewalks on N. 11th Street and E. Santa Clara Street.

The residence adjacent to the project site to the north is two and a half-stories with a peaked roof and mature trees on the border of the project site, as seen in Photo 5. Two large, white pillars rise from the front porch to the roof on the second story. The residential property is bounded by a short fence (approximately 3-4 feet), front porch and balcony. The upstairs balcony overhangs the front

entryway and overlooks N. 11th Street. Other single-family residences along N. 11th Street are one-story and vary in size and architectural style.

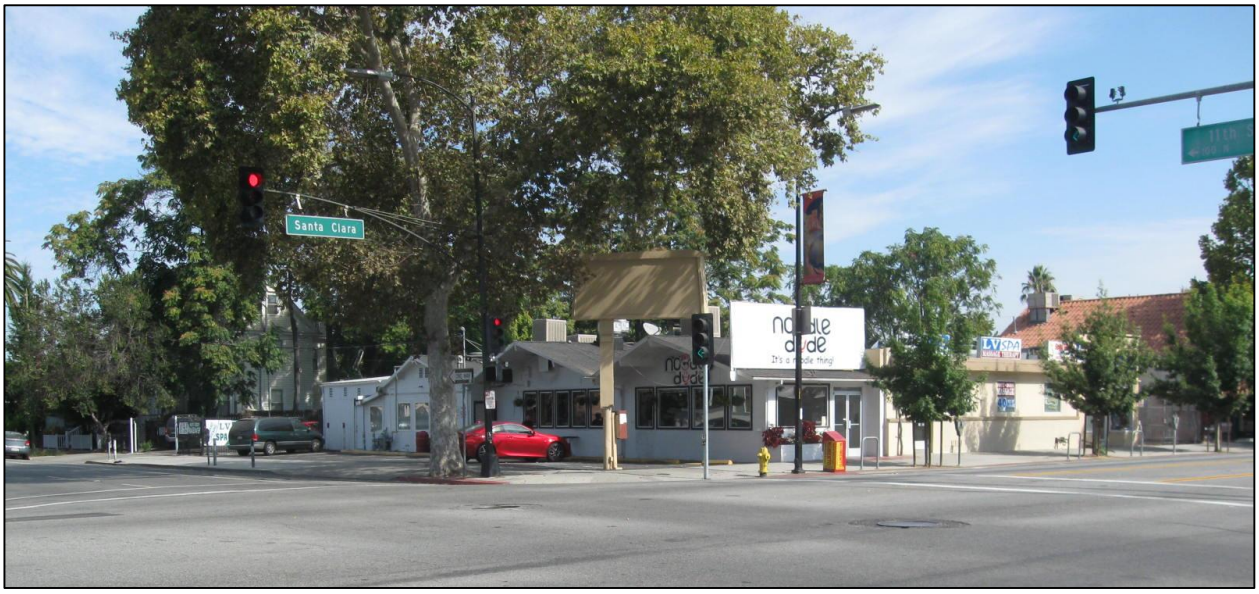


Photo 1: View of the project site, looking northeast from the N. 11th Street/E. Santa Clara Street intersection.

Photo 2: View of the project site, looking north from across N. 11th Street

Photo 3: View of a commercial building looking southwest across E. Santa Clara Street, from the project site.

Photo 4: View of a gas station across E. Santa Clara Street, looking south from the project site.

Photo 5: View of a residence north and adjacent to the project site, looking east from across N. 11th Street.

Due to the relatively flat topography and the existing development in the surrounding area, views of the project site are limited to the immediate vicinity. Scenic resources are not visible from the site. The project site is not visible from state scenic highways.

4.1.1.3 *Applicable Aesthetics Regulations and Policies*

The following *Envision San José 2040 General Plan* policies are applicable to the project[1]:

Relevant General Plan Policies

Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.7	Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refused containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.
Policy CD-1.11	To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated facades using a variety of materials, and entries oriented to public sidewalks or pedestrian pathways. Provide windows or entries along sidewalks and pathways; avoid black walls that do not enhance the pedestrian experience. Encourage

[1] City of San Jose, *Envision San Jose 2040 General Plan.* September 2011.

	inviting, transparent facades for ground-floor commercial spaces that attract customers by revealing active uses and merchandise displays.
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-5.6	Design lighting locations and levels to enhance the public realm, promote safety and comfort, and create engaging public spaces. Seek to balance minimum energy use of outdoor lighting with goal of providing safe and pleasing well-lit spaces. Consider the City's outdoor lighting policies in development review processes.
Policy LU-2.2	Include within the Envision General Plan Land Use/Transportation Diagram significant job and housing growth capacity within the following identified Growth Areas: Downtown, Specific Plan Areas, Employment Lands, North San José, and Urban Villages.

4.1.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	1,2
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐	1,2
3. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	1,2
4. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1,2

4.1.2.1 *Impact to Scenic Views or Scenic Resources*
(Checklist Items 1 and 2)

The General Plan FEIR determined that scenic vistas in the City are views of the Santa Clara Valley and the surrounding hillsides. The scenic vistas can be viewed from Communications Hill, extensions of Silver Creek Hills, and the Santa Teresa Hills. In addition, views of the valley and hillsides are visible from public roadways in these areas. The project site is not located in proximity to these areas. Development of the proposed project would not significantly diminish scenic views in the project area or damage any designated scenic resources. Therefore, the project would not result in any significant scenic views or scenic resources. **(Less Than Significant Impact)**

4.1.2.2 *Change in Visual Character*
(Checklist Item 3)

The project would demolish the existing commercial buildings and construct a seven story mixed-use building. Surrounding structures in the project area are of mix historic and architectural styles.

New development and redevelopment under the General Plan would alter the appearance of the City; however, implementation of adopted policies and existing regulations, including the City's Design Guidelines and the policies identified in *Section 4.1.1.3*, would reduce the degradation of visual character or quality of the City to a less than significant level. Through the City's development review process, the proposed project would be evaluated for compliance with the adopted plans, policies and regulations outlined in the General Plan FEIR. Therefore, the final design of the proposed project would have a less than significant impact on the visual character of the City. **(Less Than Significant Impact)**

4.1.2.3 *Light and Glare Impacts*
(Checklist Item 4)

The proposed project would be visible from the immediate and surrounding areas. The General Plan FEIR concluded that while new development and redevelopment under the General Plan could create additional sources of nighttime light and daytime glare, implementation of adopted plans, conformance with adopted policies and regulations and with General Plan policies and City Council Lighting Policy 4-2 would avoid substantial light and glare impacts. The proposed project's final lighting plans would be reviewed prior to approval of the planned development permit.

The project proposes smooth finish limestone walls for the first and second stories, and cement plaster and metal panels for third through sixth stories. These building materials and the final design of the project will comply with the City's policies to ensure that the building materials would not create substantial glare that could impact drivers or pedestrians.

For these reasons, the proposed project would not create significant impacts to adjacent properties with nighttime lighting or daytime glare from building materials. **(Less Than Significant Impact)**

4.1.2.4 *Other Aesthetic Impacts*

Project plans include large windows spanning the third and fourth floors that face onto the surrounding streets and adjacent residences. Proposed rooftop terraces on the fifth and sixth floors would also face north towards adjacent residences. Building tenants on the third, fourth, fifth, and sixth floors would have line-of-sight into adjacent residential properties to the north and east of the project site. Although the first and second floors will not be set back from the property lines, floors three through five will be stepped back 12 to 14.5 feet, and floors six and seven will be stepped back 17.5 to 32 feet, from the residential properties adjacent to the northern project boundary to reduce height, bulk, and visual intrusion. **(Less Than Significant Impact)**

4.1.3 Conclusion

With the implementation of General Plan Policies and City design standards, the proposed project would not result in significant impacts to the visual character to the site and its surroundings, scenic resources or vistas, nor would the project create substantial light or glare.
(Less Than Significant Impact)

4.2 AGRICULTURAL AND FOREST RESOURCES

4.2.1 Setting

According to the Santa Clara County Important Farmland 2012 Map, the project site is designated as *Urban and Built-Up Land.*[2] *Urban and Built-Up Land* is defined as residential land with a density of at least six units per 10-acre parcel, as well as land used for industrial and commercial purposes. Currently, the project site is not used for agricultural purposes. There are no forest lands on or adjacent to the project site.

4.2.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	2,4
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	2,3,4
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒	2,3,4
4. Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	4
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	2,4

4.2.2.1 *Agricultural and Forest Resources Impacts*

(Checklist Questions 1-5)

The proposed project would construct approximately 5,624 square feet of retail space, 5,816 square feet of office space, and 86 residential units in an area that is fully developed with residential and commercial uses. The site is not designated by the Department of Conservation as farmland of any type, and is not the subject of a Williamson Act contract. None of the properties adjacent to the

[2] California Department of Conservation, *Santa Clara County Important Farmland 2012 Map,* August 2014.

project site or in the vicinity are used for agriculture, nor is it designated as forest land or timberland. According to the *Envision San José 2040 General Plan*, the project would not conflict with existing zoning for agricultural operations or facilitate unplanned conversion of farmland elsewhere in San José to non-agricultural uses. For these reasons, the project would not result in significant impacts to agricultural or forest resources. **(No Impact)**

4.2.3 Conclusion

Implementation of the proposed project would not result in agricultural or forest land impacts. (**No Impact)**

4.3 AIR QUALITY

The following information is based, in part, on a Construction TAC Assessments prepared by *Illingworth & Rodkin, Inc.* in February 2016. The report is attached in Appendix A of this document.

4.3.1 Setting

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of the pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain, and for photochemical pollutants, sunshine.

The Bay Area typically has moderate ventilation, frequent inversions that restrict vertical dilution, and terrain that restricts horizontal dilution. These factors give the Bay Area a relatively high atmospheric potential for pollution.

4.3.1.1 *Climate and Topography*

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. This portion of the Santa Clara Valley is bounded to the north by the San Francisco Bay and the Santa Cruz Mountains to the southwest and the Diablo Range to the east. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows along the valley's northwest-southwest axis. Pollutants in the air can cause health problems, especially for children, the elderly, and people with heart or lung problems. Healthy adults may experience symptoms during periods of intense exercise. Pollutants can also cause damage to vegetation, animals, and property.

4.3.1.2 *Regional and Local Criteria Pollutants*

Major criteria pollutants, listed in "criteria" documents by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms. Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and state standards for PM_{10} and $PM_{2.5}$. The area is considered attainment or unclassified for all other pollutants.

4.3.1.3 *Toxic Air Contaminants*

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). TACs are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer or serious illness) and include, but are not limited to, criteria air pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a highway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level. The identification, regulation, and monitoring of TACs is relatively new compared to that for criteria air pollutants that have established ambient air quality standards.

TACs are regulated or evaluated on the basis of risk to human health rather than comparison to an ambient air quality standard or emission-based threshold.

Diesel Particulate Matter

Diesel exhaust, in the form of diesel particulate matter (DPM) is the predominant TAC in urban air and is estimated to represent about two-thirds of the cancer risk from TACs. DPM is of particular concern since it can be distributed over large regions, thus leading to widespread public exposure. California has adopted a comprehensive diesel risk reduction program. The U.S EPA and CARB have adopted low-sulfur diesel fuel standards in 2006 that reduces diesel particulate matter substantially. The CARB recently adopted new regulations requiring the retrofit and/or replacement of construction equipment, on-highway diesel trucks, and diesel buses in order to lower fine particulate matter ($PM_{2.5}$) emissions and reduce statewide cancer risk from diesel exhaust.

Fine Particulate Matter ($PM_{2.5}$)

Particulate matter in excess of state and federal standards represents another challenge for the Bay Area. Elevated concentrations of $PM_{2.5}$ are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer) and result in reduce lung function growth in children.

4.3.1.4 *Sensitive Receptors*

BAAQMD defines sensitive receptors as facilities where population groups that are particularly sensitive to the effects of air pollutants (i.e., children, the elderly, and people with illnesses) are likely to be located. Examples include schools, hospitals, parks, and residential areas. The nearest sensitive receptors to the project site is the three-story residence immediately north of the project site and the single-family residences west of the project site, across N. 11th Street and residences further to the east and west. The other nearby buildings are commercial businesses and offices to the south across E. Santa Clara Street, and to the west across N. 11th Street as well as the mortuary/chapel across N. 11th Street. These businesses are not considered sensitive land uses. Future residents on the project site would also be considered sensitive receptors.

4.3.1.5 *Applicable Plans, Policies, and Regulations*

Federal, State, and Regional

Federal, state, and regional agencies regulate air quality in the Bay Area Air Basin, within which the proposed project is located. At the federal level, the USEPA is responsible for overseeing implementation of the Federal Clean Air Act and its subsequent amendments (CAA). The California Air Resources Board (CARB) is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act.

The BAAQMD has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with or more stringent than, federal and state air quality laws and regulations. The BAAQMD prepared and adopted the Bay Area 2010 Clean Air Plan (2010 CAP). The 2010 CAP updates the most recent ozone plan, the 2005 Ozone Strategy. Unlike previous Bay Area CAPs, the 2010 CAP is a multi-pollutant air quality plan addressing four categories of air pollutants, including the following:

- Ground-level ozone and the key ozone precursor pollutants (reactive organic gases and
- nitrogen oxide), as required by State law;
- Particulate matter, primarily $PM_{2.5}$, as well as the precursors to secondary $PM_{2.5}$;
- Toxic air contaminants (TAC); and
- Greenhouse gases.

For all proposed projects, BAAQMD recommends implementation of the updated Basic Construction Mitigation Measures whether or not construction-related emissions exceed applicable thresholds.

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes the following air quality policies applicable to the proposed project:

Relevant General Plan Policies

Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
Policy MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

4.3.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1,5,6
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐	1,5,6

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☒	☐	1,5,6
4. Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	1,5,6,7
5. Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	1

4.3.2.1 *Air Quality Impacts*

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The City of San Jose and other Lead Agencies in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for assessing air emissions and/or health effects adopted by BAAQMD based upon the scientific and other factual data prepared by BAAQMD in developing those thresholds.

The analysis in this Initial Study is based upon the general methodologies in the most recent BAAQMD CEQA Air Quality Guidelines (dated May 2012) and numeric thresholds identified for the San Francisco Bay Area Air Basin in the May 2011 BAAQMD CEQA Air Quality Guidelines, as shown in Table 4.3-1.

Table 4.3-1: BAAQMD Thresholds of Significance Used in Air Quality Analyses

Pollutant	Construction	Operation-Related	
	Average Daily Emissions (pounds/day)	**Average Daily Emissions (pounds/day)**	**Maximum Annual Emissions (tons/year)**
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust (PM_{10}/$PM_{2.5}$)	Best Management Practices	None	None
Local CO	None	9.0 ppm (8-hour average), 20.0 ppm (1-hour average)	

Table 4.3-1: BAAQMD Thresholds of Significance Used in Air Quality Analyses			
Pollutant	**Construction**	**Operation-Related**	
	Average Daily Emissions (pounds/day)	**Average Daily Emissions (pounds/day)**	**Maximum Annual Emissions (tons/year)**
Risk and Hazards for New Sources and Receptors (Project)	Same as Operational Threshold	• Increased cancer risk of >10.0 in one million • Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.3 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Risk and Hazards for New Sources and Receptors (Cumulative)	Same as Operational Threshold	• Increased cancer risk of >100 in one million • Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.8 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Sources: *Bay Area Air Quality Management District CEQA Guidelines (updated May 2011) and BAAQMD. Revised Draft Options and Justification Report California Environmental Quality Act Thresholds of Significance. October 2009.*			

4.3.2.2 *Applicable Air Quality Plan*

Clean Air Plan Consistency
(Checklist Item 1)

The most recent clean air plan is the *Bay Area 2010 Clean Air Plan* (2010 CAP) that was adopted by BAAQMD in September 2010. This plan addresses air quality impacts with respect to obtaining ambient air quality standards for non-attainment pollutants (i.e., O_3, PM_{10} and $PM_{2.5}$), reducing exposure of sensitive receptors to TACs, and reducing greenhouse gas (GHG) emissions such that the region can meet AB 32 goals of reducing emissions to 1990 levels by 2020. The consistency of the proposed project with this regional plan is primarily a question of the consistency with the population/employment assumptions utilized in developing the 2010 CAP, which were based on Association of Bay Area Governments (ABAG) Projections. The proposed project is consistent with the City's General Plan and will not affect population in the region. Therefore, it is consistent with the 2010 CAP.

Determining consistency with the 2010 CAP also involves assessing whether applicable control measures contained in the 2010 CAP are implemented. Implementation of control measures improve air quality and protect public health. These control measures are organized into five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures (TCMs), Land Use and Local Impact Measures, and Energy and Climate Measures. Applicable control measures and the project's consistency with them are summarized in Table 4.3-2, below. The project supports the primary goals of the Clean Air Plan in that it does not exceed the BAAQMD thresholds for operational air pollutant emissions and is infill development that provides users of the site with

access to existing transit and services which will reduce vehicle trips. The proposed project is consistent with the following control measures.

Table 4.3-2: Bay Area 2010 Clean Air Plan Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Control Measures		
Improve Bicycle Access and Facilities	Expand bicycle facilities serving transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.	The project proposes installing 272 long-term bicycle spaces in the parking garage and 28 short-term spaces on N. 11th Street.
Improve Pedestrian Access and Facilities	Improve pedestrian access to transit, employment, and major activity centers.	The project proposes landscaping on the street frontages of the site to elevate the pedestrian environment in the project area. Bus transit service and stops are provided on N. 11th Street. Pedestrian access is continuous to the project site to transit stops through sidewalks. The project is consistent with this control measure.
Support Local Land Use Strategies	Promote land use patterns, policies, and infrastructure investments that support mixed-use, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling, and transit use.	The project is an infill development near transit stops in downtown San Jose. The project vicinity is served by existing and planned transit, bicycle, and pedestrian facilities. Based on the proposed transportation options available to future occupants, employees and retail customers, the project is consistent with this control measure.
Energy and Climate Measures		
Energy Efficiency	Increase efficiency and conservation to decrease fossil fuel use in the Bay Area.	The project will comply with the current California Energy Code and reduce residential energy consumption over 2005 Title 24 standards. The proposed building would be designed to meet LEED certification. The project is consistent with this control measure.

Table 4.3-2: Bay Area 2010 Clean Air Plan Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Urban Heat Island Mitigation	Mitigate the "urban heat island" effect by promoting the implementation of cool roofing, cool paving, and other strategies.	Although the project does not propose the use of cool roofing or paving, the project would generally maintain plantings of street trees and increase on-site tree plantings. Landscape tree retention and additional plantings will reduce the "urban heat island" effect and thus the project is consistent with this control measure.
Tree-Planting	Promote planting of low-VOC-emitting shade trees to reduce urban heat island effects, save energy, and absorb CO_2 and other air pollutants.	The project will remove 4 trees and plant trees and ornamental landscaping at the podium level and courtyards in the building. Implementation of tree mitigation measures will reduce the urban heat island effect. The proposed project is consistent with this control measure.

The project includes transportation and energy control measures and is generally consistent with the Clean Air Plan. The project by itself, therefore, would not result in a significant impact related to consistency with the 2010 CAP. **(Less Than Significant Impact)**

4.3.2.3 *Construction Air Quality Impacts*

(Checklist Items 2, 3)

Criteria Air Pollutants and Precursors

Construction activities would temporarily affect local air quality. Construction activities such as earthmoving, construction vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

The project size does not exceed BAAQMD's screening threshold of 240 dwelling units (for a mid-rise apartment building) for construction period criteria air pollutant emissions and, therefore, does not require modeling of project construction emissions. The proposed project would, therefore, have a less than significant construction criteria air pollutant emissions impact and would not result in a cumulatively considerable net increase of criteria air pollutants from construction activities. **(Less Than Significant Impact)**

Construction Dust Emissions

(Checklist Items 2, 4)

Construction activity for the proposed project is anticipated to involve demolition of the existing buildings and pavement, as well as grading, building construction, and paving activities.

Construction equipment and associated heavy-duty truck traffic generate fugitive dust in the form of PM_{10} and $PM_{2.5}$ diesel exhaust, which is a known TAC. Diesel exhaust poses both a health and nuisance impact to nearby receptors. A health risk assessment of the project construction activities was conducted that evaluated potential health effects of sensitive receptors from construction emissions of diesel particulate matter DPM.[3] A dispersion model was used to predict the off-site DPM concentrations resulting from project construction at sensitive receptors so that lifetime cancer risks could be predicted. Results of the dispersion modeling are discussed below under the *Construction TAC and $PM_{2.5}$ Health Risks* heading**.** The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less-than-significant if the best management practices listed below are implemented to reduce these emissions.

Standard Permit Conditions: Consistent with the 2011 BAAQMD CEQA Air Quality Guidelines, GP Policy MS-13.1, and current City requirements, the project shall implement the following standard permit conditions during all phases of construction on the project site, to reduce dustfall emissions:

- All active construction areas shall be watered twice daily or more often if necessary. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour.
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.
- Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for 10 days or more.
- Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replanting of vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City of San José regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

[3] DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.

With compliance and implementation of the dust control measures above identified, the project would have a less than significant dustfall emissions related to construction. **(Less Than Significant Impact)**

Construction TAC and $PM_{2.5}$ Health Risks

(Checklist Item 2 and 4)

Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known TAC. Diesel exhaust from construction equipment operating at the site poses a health risk to nearby sensitive receptors. The maximally exposed individual (MEI) receptors (to DPM and $PM_{2.5}$ concentrations) during project construction would be the residence adjacent to the northern property boundary.

As shown in Table 4.3-1, under the BAAQMD CEQA Air Quality Guidelines (Air Quality Guidelines), an incremental cancer risk of greater than 10 cases per million for a 70-year exposure duration at the Maximally Exposed Individual or MEI would result in a significant impact.

Results of the assessment for project construction indicate the maximum excess residential infant cancer risk would be 96.1 in one million and the residential adult incremental cancer risk would be 1.7 in one million. Therefore, excess cancer risk for infant exposure at off-site residential receptors would be above the BAAQMD significance threshold of 10 in one million and would be considered significant.

The maximum-modeled annual PM2.5 concentration, which is based on combined exhaust and fugitive dust emissions, was 0.4 $\mu g/m^3$. Therefore, annual PM2.5 concentration would be above the BAAQMD significance threshold of 0.3 $\mu g/m^3$ and would be considered significant.

The maximum modeled annual residential DPM concentration (i.e., from construction exhaust) was 0.3854 $\mu g/m^3$. The maximum computed HI based on this DPM concentration is 0.08, which is much lower than the BAAQMD significance criterion of a HI greater than 1.0.

The project would have a significant impact with respect to community risk caused by construction activities at nearby residential receptors.

Impact AIR-1: Emissions from diesel-operated construction equipment during project construction would result in a significant impact with respect to community risk at nearby residential receptors. **(Significant Impact)**

Mitigation Measures: In addition to the Standard Permit Conditions identified above to reduce dustfall emissions, implementation of the following mitigation measures would reduce the impacts of construction emissions on sensitive receptors.

MM AIR-1.1: The following construction equipment and measures shall be used and implemented to further reduce exhaust emissions during construction:

- All diesel-powered portable equipment (i.e., aerial lifts, air compressors, and forklifts) larger than 50 horsepower operating on the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

The combined risk assessment considers construction risk from the project, as described above, and other nearby TAC sources within 1,000 feet. When considering project construction along with E. Santa Clara Street, N. 11th Street, two nearby gas stations (BAAQMD Plants G402 and G11650) and two dry cleaners (BAAQMD Plants 9112 and 10873) cumulative risk would exceed the BAAQMD significance threshold of 100 in one million using BAAQMD screening tools. Implementation of the Standard Permit Conditions and MM AIR-1.1 would reduce this impact to a level of less than significant. **(Less Than Significant Impact with Mitigation)**

4.3.2.4 *Operational Emissions*
(Checklist Items 2 – 4)

Criteria Pollutants

The proposed project would construct up to 87 dwelling units, 5,624 square feet of commercial retail space, and 5,816 square feet of office space. BAAQMD developed screening criteria for criteria pollutants to provide a conservative indication of whether a project could result in potentially significant air quality impacts (e.g., emissions of 54 pounds per day of ROF, NO_x, $PM_{2.5}$, and 82 pounds per day of PM_{10}). For operational impacts from criteria pollutants, the screening size for a mid-rise residential apartment building is 494 dwelling units, for general commercial or office space the screening size is 346,000 square feet. The proposed project is well below the screening size and would, therefore, have a less than significant criteria air pollutant emissions impact and would not result in a cumulatively considerable net increase of criteria air pollutants from project operations. **(Less Than Significant Impact)**

Toxic Air Contaminants

Operation of the project is not expected to cause any localized emission that could expose sensitive receptors to unhealthy air pollutant levels. No stationary sources of TACS, such as generators, are proposed as part of the project.

4.3.2.5 *Odor Impacts*
(Checklist Item 5)

No new stationary odor sources are proposed as part of the proposed project; the project would not expose existing nearby sensitive receptors to new odor sources. Operation of construction equipment could create objectionable odors, however, due to localized and temporary nature of construction-related odors, construction of the project would not generate odors that would affect a substantial number of people. **(Less Than Significant Impact)**

4.3.3 Conclusion

The project would not result in significant operational regional or local air quality impacts. Conformance with General Plan policies and implementation of the identified mitigation measures would reduce short-term construction-related diesel emissions, dust impacts and related community risk impacts, to less than significant levels. **(Less than Significant Impact with Mitigation)**

The proposed development would not result in incompatible odors. **(Less Than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

4.4.1 Setting

Biological resources include plants and animals and the habitats that support them. Individual plant and animal species identified as rare, threatened, or endangered under the State and/or Federal Endangered Species Act, and the natural communities of habitats that support them, are of particular concern. Sensitive natural communities (e.g., wetlands, riparian woodlands, and oak woodland) critical to wildlife or ecosystem function are also important biological resources.

The avoidance and mitigation of significant impacts to biological resources under CEQA is consistent with and complimentary to various federal, state, and local laws and regulations that are designed to protect these resources. These regulations often mandate that project sponsors obtain permits that include measures to avoid and/or mitigate impacts required as permit conditions, prior to the commencement of development activities.

4.4.1.1 *Federal Regulations*

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act of 1918 (MBTA) is one of the nation's oldest environmental laws. The MBTA prohibits killing, possessing, or trading in migratory birds except in the accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbance during the breeding season that results in the incidental loss of fertile eggs or nestlings, or otherwise leads to nest abandonment, would violate the MBTA.[4]

4.4.1.2 *Local Biological Regulations and Policies*

City of San José Tree Ordinance

The City of San José Tree Removal Controls (San José City Code Section 13.32.010 to 13.32.100) protect all trees having a trunk that measures 56 inches or more in circumference (17.8 inches in diameter) at a height of 24 inches above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City of San José for the removal of ordinance-size trees. In addition, any tree found by the City Council to have specific significance can be designated as a Heritage tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy Heritage trees.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The project site is located within the boundaries of the Santa Clara Valley Habitat Conservation Plan (SCVHP). The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000

[4] A complete list of bird species protected by the MBTA is available on the US Fish and Wildlife Service website: http://www.fws.gov/birds/management/managed-species/migratory-bird-treaty-act-protected-species.php

acres of Santa Clara County. The project site is located on land designated as *Urban-Suburban,* which is land that has been cleared for residential, commercial, industrial, or other urban developments, and is defined as having one or more structures per 2.5 acres. Vegetation found in *Urban-Suburban* land cover is usually in the form of landscaped residences, planted street tress, and parklands. Land designated as *Urban-Suburban* typically do not support special status plant or animal species.

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes the following policies applicable to all development projects in San José:

Relevant General Plan Policies

Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

4.4.1.3 *Existing Setting*

Special Status Animal Species

Special status species are those plants and animals listed under the state and federal Endangered Species Acts (ESAs); plants listed on the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (1994); and animals designated as Species of Special Concern by the California Department of Fish and Wildlife. Most special status animal species occurring in the Bay Area use habitats that are not present on the project site.

Trees

Trees (both native and non-native) are valuable to the human environment for the benefits they provide including resistance to global climate change (i.e., carbon dioxide absorption), protection from weather, nesting and foraging habitat for raptors and other migratory birds, and as a visual enhancement to the urban environment. A tree survey, completed on September 16th, 2015 found a total of four trees on-site, and four street trees. Three of the on-site trees are Trees of Heaven, both

with circumference's greater than 56 inches, and the third tree is a London Plane with a circumference less than 56 inches. The results from the tree survey are summarized in Table 4.4-1, below.

Table 4.4-1: Tree Survey

Number	Species Name	Common Name	Size[+]
1	*Ailanthus altissima*	Tree of Heaven	144
2	*Ailanthus altissima*	Tree of Heaven	100
3	*Ailanthus altissima*	Tree of Heaven	60
4	*Plantanus acerifolia*	London Plane	55.5
5	*Quercus palustris*	Pin Oak*	17
6	*Quercus palustris*	Pin Oak*	15
7	*Quercus palustris*	Pin Oak*	10
8	*Plantanus acerifolia*	London Plane*	12

[*] Street Tree
[+] Circumference measured in inches
Note: Ordinance sized trees are 56+ inches in circumference.

4.4.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☒	☐	1,2
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒	1,2
3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	1,2

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☒	☐	☐	1,2
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1,2
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐	1,2,8

4.4.2.1 *Biological Impacts*

Vegetation, Habitats, and Wildlife
(Checklist Items 1, 3, 4)

The project site is a developed parcel with commercial buildings and a paved surface parking lot. Street trees and other vegetation along the street frontage will be retained. Vegetation in the surrounding area consists solely of landscape trees and plants. Because of the history of development on-site, no natural or sensitive habitats exist that would support endangered, threatened, or special status wildlife species. The project site does not act as a wildlife corridor. There are no wetlands on-site and, as a result, the project will not affect any federally protected wetlands as defined by Section 404 of the Clean Water Act. Therefore, the proposed project would not adversely affect special status species, riparian habitat, or wetland habitat. **(Less Than Significant Impact)**

Impacts on Riparian Habitat or other Sensitive Natural Communities
(Checklist Item 2)

The project site is not located near, and would not affect, any riparian habitat or other sensitive natural communities as identified in the General Plan and Santa Clara Valley Habitat Plan (SCVHP) or by the CDFW or US Fish and Wildlife Service. **(No Impact)**

Migratory Birds
(Checklist Item 4)

Trees on-site and street trees on E. Santa Clara Street could provide shelter for migratory birds and other avian species. Construction activities and removal of trees could result in loss of habitat for migratory birds.

Impact BIO – 1: Construction activities and removal of trees could impact migratory birds or nests protected by the MBTA. **(Significant Impact)**

Mitigation and Avoidance Measures: The project shall implement the following mitigation measures to reduce and/or avoid impacts to migratory birds to a less than significant level:

MM BIO-1.1: Construction activities shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds and raptors in the San Francisco Bay area extends from February 1st through August 31st.

MM BIO-1.2: If not possible to schedule construction activities between September 1st and January 31st, then a qualified ornithologist shall conduct a preconstruction survey for street trees within 250 feet of the project site to identify active bird nests that may be disturbed during project construction. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities. During this survey, the ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests.

If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.

MM BIO-1.3: If an active nest is found within or adjacent to work areas to be disturbed by these activities, the ornithologist (in consultation with the California Department of Fish and Wildlife) shall designate a construction-free buffer zone (typically 300 feet for raptors and 100 feet for non-raptors) to be established around the nest to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during construction activities. The buffer shall remain in place until the ornithologist has determined that the nest is no longer active.

Implementation of these measures would avoid significant impacts to migratory and nesting birds. **(Less Than Significant Impact With Mitigation)**

Trees
(Checklist Item 5)

There are four trees within the project site. Additional street trees are located along E. Santa Clara Street and are considered part of the urban forest. Within the City of San José, the urban forest as a whole is considered an important biological resource because most mature trees provide some nesting, cover, and foraging habitat for a variety of birds (including raptors) and mammals that are tolerant of humans, as well as providing necessary habitat for beneficial insects. While the urban forest is not as favorable an environment for native wildlife as extensive tracts of native vegetation, trees in the urban forest are often the only or best habitat commonly or locally available within urban areas. The project proposes to remove all four of the ordinance sized trees on-site (three Trees of

Heaven and one London Plane) and would be required to obtain tree removal permits from the City of San Jose.

Consistent with the General Plan, all trees removed as a result of the project would be required to be replaced in accordance with all applicable laws, policies or guidelines, including:

- City of San José Tree Protection Ordinance
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

In accordance with City policy, tree replacements will be implemented as shown in Table 4.4-2. The four trees on the project site will be replaced at a 4:1 ratio with minimum 24-inch box trees, for a total of 16 trees. The species of trees to be planted will be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

Table 4.4-2: Tree Mitigation Ratios

Diameter of Tree to Be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12-18 inches	3:1	2:1	none	24-inch box
Less than 12 inches	1:1	1:1	none	15-gallon container

x:x = tree replacement to tree loss ratio
Note: Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

The proposed project will need to plant at least 16 new trees to meet the minimum replacement requirement for the removed trees on-site. If it is determined that there is not sufficient area to accommodate all the required tree mitigation on-site, one or more of the following measures would be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:

- An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of Planning, Building and Code Enforcement.

- A donation of $300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

The project shall comply with the above listed City Ordinance, Municipal Code, and General Plan policies. Compliance with local laws, policies, or guidelines, as proposed by the project, would reduce impacts to trees to a less than significant level. **(Less Than Significant Impact)**

Impacts on Species Protected Under the adopted Santa Clara Valley Habitat Plan (SCVHP)
(Checklist Item 6)

The proposed project is within the covered area of the SCVHP. The site is covered with existing urban development with limited biotic value. The development of the project site would not impact any of the SCVHP's covered species. The project site is mapped within the Urban-Suburban land cover type and Area 4: Urban Development Equal to or Greater Than 2 Acres Covered in the SCVHP Plan Area. Additionally, the project site is not identified as important habitat for endangered and threatened species. Therefore, the proposed project would not result in direct impacts to any of the SCVHCP's covered species.

Nitrogen Deposition Impacts on Serpentine Habitat

Nitrogen Deposition Fees are collected as mitigation for cumulative impacts to serpentine plants in the SCVHP area. Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the SCVHP area, as well as the host plants that support the Bay checkerspot butterfly. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area including the project area. The nitrogen deposition fees collected under the SCVHP for new vehicle trips would be used as mitigation to purchase and manage conservation land for the Bay checkerspot butterfly and other sensitive species. The project would implement the following standard permit condition. **(Less Than Significant Impact)**

Standard Permit Condition: The project applicant shall pay all applicable fees (including nitrogen deposition fee) prior to issuance of a grading permit.

4.4.3 Conclusion

Implementation of the project would not have a substantial adverse effect of any riparian, wetland, or other sensitive habitats. The proposed project would not conflict with adopted conservation plans, local policies, and local ordinances including the Habitat Conservation Plan and City of San Jose Tree Removal Controls. **(Less Than Significant Impact)**

4.5 CULTURAL RESOURCES

The following discussion is based, in part, on an Archaeological Literature Review prepared by *Holman & Associates,* in September 2015 and a Historical Evaluation prepared by *Archives & Architecture,* in September 2015. A copy of the Archaeological Literature Review can be viewed at the City of San Jose upon request. The Historical Evaluation is attached as Appendix B of this Initial Study, respectively.

4.5.1 Setting

Cultural resources are evidence of past human occupation and activity and include both historical and archaeological resources. These resources may be located above ground or underground and have significance in the history, prehistory, architecture, architecture of cultural of the nation, State of California, or local or tribal communities.

Paleontological resources are fossils, the remains or traces of prehistoric life preserved in the geologic record. They range from the well-known and well publicized (such as mammoth and dinosaur bones) to scientifically important fossils.

Identified cultural resources within or adjacent to the Downtown area of San Jose consist of prehistoric and historical archaeological sites, as well as historical architectural properties consisting of buildings, structures, and districts. The project site is located four blocks east of the downtown core and is adjacent to the Naglee Park Conservation Area on the north, the former 140-acre estate of General Henry M. Naglee that was subdivided into 1,503 residences in 1902. The Naglee Park Conservation Area is noted for its early 20th century residences built with a wide variety of architectural styles.[5] The Conservation Area is bounded by Santa Clara Street on the north, Coyote Creek on the east, East Williams on the south, and South 11th Street on the west.

Nine buildings have been recorded within a 100-meter radius of the project site and are listed in the California Office of Historic Preservation's *Historic Property Data File* (HPD). The gas station south of the project site, across E. Santa Clara Street was determined eligible for listing on both the National Register and the California Register.

4.5.1.1 *Subsurface Cultural Resources*

Prehistoric Resources

The project site is located in the Santa Clara Valley. Native American occupation of the valley extended over 5,000 to 8,000 years and possibly longer. Before European settlement, Native Americans resided in the area that encompasses the project site. The South Bay Area's favorable environment during the prehistoric period, including alluvial plains, foothills, many water courses and bay margins provided an abundance of wild food and other resources.

[5] City of San Jose. *Naglee Park Conservation Area.* Available at: <https://www.sanjoseca.gov/index.aspx?NID=2975>. Accessed on April 8, 2016.

The Native American people who originally inhabited the Santa Clara Valley belong to a group known as the "Coastanoan" or Ohlone, who broadly occupied the central California coast from the northern tip of the San Francisco Peninsula to Big Sur in the south and as far east as the Diablo Range. The Coastanoan/Ohlone people practiced a hunting, fishing and collecting economy focusing on the collection of seasonal plant and animal resources. This customary way of living of the Coastanoan/Ohlone people disappeared by about 1810 due to disruption by introduced diseases, a declining birth rate and the impact of the California mission system established by the Spanish in San Jose/Santa Clara area in 1777.

Archaeological Records

In September 2015, a record search for prior archaeological studies was conducted at the Northwest Information Center, California Historical Resources Information System, at Sonoma State University. There are no recorded archaeological resources located in or near the 100-meter radius of the project site.

Paleontological Resources

As noted above, paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. The project site is underlain by Holocene alluvial fan material deposits, which have low potential to yield significant fossils at the surface but may contain resources at depth. Geologic units of Holocene age are generally not considered sensitive for paleontological resources because biological remains younger than 10,000 years are not usually considered fossils.

4.5.1.2 *Historic Resources and Context*

By 1869, Santa Clara Street marked the boundary of San Jose's city limits with the north side of the street possibly developed and the south side consisting of open field.[6] The north side of Santa Clara was plotted, but not developed by 1876. By 1891, a one-story house was located on the corner of 11th Street and Santa Clara Street with two outbuildings toward the back of the lot behind the house. The house was later heavily remodeled with Victorian Elements circa 1915. Two other houses were constructed to the east within the project area at this time and did not have associated outbuildings. Based on the date of the first house and its outbuildings, there is a high possibility of historic-era archaeological deposits in the rear of the lot.

4.5.1.3 *Existing Structures*

The existing commercial buildings on-site were evaluated based on the City of San Jose's criteria for historical significance under the Preservation Ordinance and for significance under the National Register and California Register criteria. The four buildings are not associated with historical events, important individuals or groups or other activity, do not have a direct association with broad patterns of local area history, and therefore, do not qualify for listing under the National or California Registers.

[6] Gray, W. Vallance, and Charles B. Gifford. *Birds Eye View of the City of San Jose Ca. H. Hare*, Bookseller & Stationer, San Jose. 1869

The project site is located directly north of the Naglee Park Conservation Area. The gas station located across N. 11th Street was constructed in 1916 and determined to be eligible for listing on the National Register and California Register, however, it does not appear on either register.

Archives & Architecture surveyed and evaluated the residence north of the project site at 30-32 N. 11th Street, known as the Thorne-Brown House, approximately 10 feet from the northern project site boundary. The house, portions of which are estimated to be 150 years old, is listed on the City of San Jose Historic Resources Inventory. The house does not appear to be eligible for the California Register of Historic Resources, however, it continues to be eligible for the City of San Jose Historic Resources Inventory.

4.5.1.4 *Applicable Plans, Policies, and Regulations*

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes policies applicable to all development projects in San José. The following policies are specific to cultural resources and are applicable to the proposed project:

Relevant General Plan Policies

Policy EC-2.3	Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 inches/second (in/sec) PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building.[7] A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.
Policy LU-14.4	Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.

[7] For reference, a jackhammer has a PPV of 0.09 inches/second at a distance of 25 feet.

4.5.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☐	☐	☒	☐	1,2,9,10
2. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☒	☐	☐	1,2,9
3. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☒	☐	☐	1,2, 9,10
4. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐	1,2

4.5.2.1 *Impacts to Subsurface Cultural Resources*

Historic Structures

(Checklist Item 1)

While there are no historic structures on the project site, the site is located 60 feet north of the Naglee Park Conservation Area. The residence adjacent to the site's northern boundary at 30-32 N. 11th Street was evaluated for historic significance and determined to be ineligible for the California Register of Historic Resources, and would not be considered a historic resource under CEQA; however, it is listed on the Historic Resources Inventory of the City of San Jose. As described in *Section 4.12 Noise,* construction and demolition activities could result in vibration levels in excess of City standards at this residence, however, with implementation of mitigation measure NOI-1, the project would not result in damage to the structure related to construction vibration. **(Less Than Significant Impact)**

Subsurface Archaeological Resources

While the project site is within an area of prehistoric occupation and was historically developed, documentation of archaeological resources over the past 30 years did not identify any subsurface resource within 1,000 feet of the project site. The Archaeological Literature Review concluded that given the age of the first house that was constructed on the site, there is a high possibility of historic-era archaeological deposits in the northern portion of 505 E. Santa Clara Street. Construction activities (i.e., grading and utility trenching) could damage as yet unrecorded subsurface resources.

Impact CUL – 1: Subsurface cultural resources could be uncovered and disturbed during construction of the proposed project, resulting in a significant impact to archaeological materials. **(Significant Impact)**

The CEQA Guidelines provide detailed direction on the requirements for avoiding or mitigating significant impacts to historical and archaeological resources. Section 15064.5(b)(4) of the Guidelines states that a lead agency shall identify mitigation measures and ensure that the adopted measures are fully enforceable through permit conditions, agreements, or other measures. In addition, CEQA Guidelines Section 15126.4(b)(3) states that public agencies should, whenever feasible, seek to avoid damaging effects on any historical resources of an archaeological nature. Preservation in place is the preferred manner of avoiding impacts to archaeological sites, although data recovery through excavation is acceptable if preservation is not feasible. If data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historic resource, needs to be prepared and adopted prior to any excavation being undertaken.

Mitigation and Avoidance Measures: The project shall implement the following mitigation measures to reduce and/or avoid impacts to unknown buried archaeological resources (if present on-site) to a less than significant level:

MM CUL – 1.1: Consistent with City policy, the project proponent shall be required to complete subsurface testing to determine the extent of possible resources on-site. Subsurface testing will be limited to the northern portion of the parcel identified as 505 E. Santa Clara Street (APN 467-16-078). The methodology for the testing will be determined by a qualified archaeologist and testing shall be completed by the archaeologist. Based on the findings of the subsurface testing, an archaeological resources treatment plan shall be prepared by a qualified archaeologist, if required, and submitted to the City's Supervising Environmental Planner.

If archaeological deposits are found, the project proponent shall comply with Mitigation Measures MM 1.2 and 1.3 prior to issuance of demolition or grading permits for the northern portion of the parcel (505 E. Santa Clara Street (APN 467-16-078). If no archaeological deposits are found, the archaeologist will submit a report of findings to the Director of Planning, Building and Code Enforcement to allow for issuance of demolition and grading permits and MM 1.2 and 1.3 are no longer applicable.

MM CUL – 1.2: Implementation of the treatment plan, if required, shall be completed by a qualified archaeologist and shall be required prior to the issuance of demolition and grading permits. The treatment plan shall utilize professionally accepted data recovery methods to reduce impacts on subsurface resources. The treatment plan must be reviewed and approved by the City's Supervising Environmental Planner prior to implementation.

Upon completion of the field work, the archaeologist will submit a report of findings to the Director of Planning, Building and Code Enforcement to allow for issuance of demolition and grading permits.

MM CUL – 1.3: All historic-era features identified during exploration shall be evaluated based on the California Register of Historical Resources criteria consistent with the archaeological treatment plan. After completion of the field work, all artifacts

shall be cataloged and the appropriate forms shall be completed and filed with the Northwest Information Center of the California Archaeological Inventory at Sonoma State University. A summary report of finding shall also be submitted to the City's Supervising Environmental Planner.

The following mitigation measures shall apply to the project site (all parcels) to reduce any impacts to subsurface cultural resources to a less than significant level. **(Less Than Significant Impact With Mitigation).**

MM CUL – 1.4: A qualified archaeologist shall be on-site to monitor the initial excavation of the project site once all pavement is removed. The archaeologist shall prepare an Archaeological Monitoring and Evaluation Plan (AMEP) and submit it to the Supervising Environmental Planner for review and approval prior to the issuance of any grading permit. The AMEP shall identify where the monitoring shall take place, frequency of reporting, and provide a technical analysis work plan to guide the methods and procedures to be used during the significance evaluation. After monitoring the initial excavation, the archaeologist shall make recommendations for further monitoring if it is determined that the site has cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required. All recommendations are subject to the review and approval of the Supervising Environmental Planner.

MM CUL – 1.5: In the event that prehistoric, historic or paleontological resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement shall be notified, and the archaeologist (or paleontologist, if applicable), shall examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring shall be submitted to the Supervising Environmental Planner.

MM CUL – 1.6: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper burial, which shall be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

Paleontological Resources

(Checklist Items 1, 2, 3)

Ground-disturbing activities would excavation to allow construction of an underground utility basement. Based on the underlying geologic formation of the project site, the General Plan FEIR found the project site to have a high sensitivity (at depth) for paleontological resources. The project is expected to excavate to a depth of nine feet below ground level, The General Plan FEIR concluded that with implementation of existing regulations and adopted General Plan policies (ER-10.1, 10.2, 10.3, 10.4), and with adhere to MM CUL-1.5, new development within San Jose would have a less than significant impact on paleontological resources. **(Less Than Significant Impact With Mitigation)**

4.5.3 Conclusion

With implementation of the mitigation measures described above, the project would not result in any significant impacts to cultural resources (including archaeological, paleontological or historic resources). **(Less Than Significant Impact With Mitigation)**

4.6.1 GEOLOGY AND SOILS

4.6.1 Setting

The following discussion evaluates the geologic and soil impacts based on the US Geologic Survey's Soil Report, found in Appendix C.

4.6.1.1 *Soil Conditions*

The project site is located in the Santa Clara Valley, a relatively flat alluvial basin, bounded by the Santa Cruz Mountains to the southwest and west, the Diablo Mountain Range to the east, and the San Francisco Bay to the north. The site is approximately 10 miles southeast of the Bay.

The project site is underlain by soils of the Urbanland-Elpaloalto complex of zero to two percent slopes.[8] These soils are clay alluvium soils derived from metamorphic or sedimentary rock. Urbanland-Elpaloalto complex soils are naturally well-drained, and exhibit moderate shrink-swell behavior (i.e., expansive behavior). Expansive soils shrink and swell as a result of moisture changes. These changes can cause heaving and cracking of slabs-on-grade, pavement, and structures found on shallow foundations. There are no unique geologic features on or adjacent to the project site. Due to the flat topography of the project site, the potential for erosion or landslide on or adjacent to the site is low. The depth to the water table is more than 80 inches.

4.6.1.2 *Seismicity and Seismic Hazards*

The San Francisco Bay Area is one of the most seismically active regions in the United States. Strong ground shaking can be expected at the site during moderate to severe earthquakes in the general region. The significant earthquakes that occur in the Bay Area are generally associated with crustal movement along well defined active fault zones of the San Andreas Fault System, which regionally trends in a northwesterly direction.

The site is not located within a designated Alquist-Priolo Earthquake Fault Zone or in a Santa Clara County Fault Hazard Zone and no active faults have been mapped on-site.[9] Therefore, the risk of fault rupture at the site is low. Faults in the region are, however, capable of generating earthquakes of magnitudes 7.0 or higher and capable of experiencing strong to very strong ground shaking during a major earthquake on one of the nearby faults. The distance of the project site to regional faults is shown in Table 4.6-1.

Table 4.6-1: Active Faults Near the Project Site

Fault	Direction to Fault	Distance from Site (mi)
Calaveras	East	7.5
Hayward	East	5
San Andreas	West	12.5
Note: Distances approximated using Google Earth		

[8] Natural Resource Conservation Service, *Custom Soil Report for Santa Clara Area, California, Western Part.* Available at: < http://websoilsurvey.sc.egov.usda.gov/WssProduct/ > August 28, 2015.
[9] Association of Bay Area Governments, *San Francisco Bay Area Hazards Map*, August 28, 2015.

4.6.1.3 *Liquefaction*

Liquefaction is the result of seismic activity and is characterized as the transformation of loose, water-saturated soils from a solid state to a liquid state during ground shaking. There are many variables that contribute to liquefaction, including the age of the soil, soil type, soil cohesion, soil density, and depth to groundwater. The project site is located within the State of California and Santa Clara County liquefaction hazard zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted, reviewed, and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance for Building permits.[10]

4.6.1.4 *Lateral Spreading*

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as the steep bank of a stream channel. There are no stream channels or other vertical faces on or adjacent to the site that would be subject to lateral spreading. Therefore, the site has low potential for lateral spreading.

4.6.1.5 *Relevant Geological Regulations and Policies*

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes the following policies applicable to all development projects in San José:

Relevant General Plan Policies

Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-4.2	Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard ordinance.

[10] Distance found using Google maps.

Relevant General Plan Policies

Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

4.6.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
a. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☒	☐	1,2,12
b. Strong seismic ground shaking?	☐	☐	☒	☐	1,2
c. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1,2
d. Landslides?	☐	☐	☒	☐	1,2
2. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1,3
3. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	1,3

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
4. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	☐	☐	☒	☐	1,3,12
5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1

4.3.2.1 *Geological Impacts*

Soil Impacts

(Checklist Items 1, 2, 4)

The project site would not be exposed to substantial slope instability, erosion, or landslide-related hazards due to the flat topography of the site.

Surficial soils on the project site have a moderate expansion potential. The presence of expansive soil conditions could potentially damage the future buildings and improvements on the project site, which would represent a significant impact unless avoided by incorporating appropriate engineering into grading and foundation designs.

Standard Permit Conditions: The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San Jose. In addition, the City of San Jose Department of Public Works requires a grading permit to be obtained prior to the issuance of a Public Works Clearance. These standard practices, including the measures outlined below, would ensure that future buildings on the site are designed properly to account for expansive soils on the site and to prevent soil erosion.

- The project shall conform to the recommendations of a project-specific geotechnical report, including design considerations for proposed foundations.

- The project shall prepare and implement an Erosion Control Plan in conformance with the requirements of the Department of Public Works.

The project, with the implementation of standard engineering practices as outlined above, would not result in significant soil impacts from expansive soils or result in soil erosion. **(Less Than Significant)**

Seismic and Seismic-Related impacts

(Checklist Items 1a-c, 3)

The project site is located in a seismically active region and, therefore, strong ground shaking would be expected during the lifetime of the proposed project. While no active faults are known to cross the project site, ground shaking on the site could damage future buildings and other structures and expose people to injury. The site is within a State of California and Santa Clara County liquefaction hazard zone and, therefore, there is potential for seismically-induced liquefaction on the site. Lateral spreading is not anticipated to occur on the project site. The project site is located in a flat area and would not be exposed to substantial slope instability, erosion, or landslide-related hazards. The General Plan FEIR concluded that adherence to the California Building Code would reduce seismic related impacts to a less than significant level. Incorporation of the measures identified in the geotechnical report prepared for the project would reduce seismic hazards (including seismically-induced liquefaction hazards) and impacts to a less than significant level.

Standard Permit Condition: To avoid or minimize potential damage from seismic shaking, the project would be built using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be included in a report to the City. The structural designs for the proposed development shall account for repeatable horizontal ground accelerations. The report shall be reviewed and approved of by the City of San José's Building Division as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes, including the 2013 California Building Code, as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code. **(Less Than Significant Impact)**

Septic Tanks and Alternative Waste Disposal Systems

(Checklist Item 5)

The project site located within an urbanized area of San Jose where sewers are available to dispose wastewater from the project site. Therefore, the site will not need to support septic tanks or alternative wastewater disposal systems. **(No Impact)**

4.6.3 Conclusion

With implementation of the standard permit conditions, the project would not result in significant geology and soils impacts. **(Less Than Significant Impact)**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Setting

Global climate change refers to changes in long-term weather patterns including temperatures, precipitation, and wind patterns. Global temperatures are affected by atmospheric gases such as carbon dioxide, water vapor, and methane. These gases are mostly transparent to incoming solar radiation, but are effective in absorbing infrared radiation (energy emitted from the earth). As a result, the heat that otherwise would have escaped back into outer space is now retained, altering the earth's energy balance. This is known as the "greenhouse effect".

Gases that trap heat in the atmosphere are called greenhouse gases (GHG). In addition to carbon dioxide (CO_2) and methane, other GHGs include nitrous oxide, chlorofluorocarbons (CFCs) and hydrofluorocarbons (HCFCs). Each GHG has a different ability to trap heat in the atmosphere. CO_2 is the most abundant GHG, but has the lowest Global Warming Potential (GWP) rating. The other GHGs have a higher GWP, expressed in terms of carbon dioxide equivalents (CO_2e). CO_2 emissions account for about 85 percent of the CO_2e emissions in the U.S.

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial and manufacturing, utility, residential, commercial, and agricultural sectors.

4.7.1.1 *Existing On-Site GHG Emissions*

The project site is currently developed with four commercial buildings, totaling 7,256 sf and generates GHG emissions from electricity and water use and from motor vehicles traveling to and from the site.

4.7.2 *Applicable Plans, Policies and Regulations*

California Assembly Bill 32

The Global Warming Solutions Act (also known as "Assembly Bill (AB) 32") sets the State of California's 2020 GHG emissions reduction goal into law. The Act requires that the GHG emissions in California be reduced to 1990 levels by 2020. Prior to adoption of AB 32, the Governor of California also signed Executive Order S-3-05 which identified CalEPA as the lead coordinating State agency for establishing climate change emission reduction targets in California. Under Executive Order S-3-05, the State plans to reduce GHG emissions to 80 percent below 1990 levels by 2050. Additional State law and regulations related to the reduction of GHG emissions includes SB 375, the Sustainable Communities and Climate Protection Act (see discussion below), the State's Renewables Portfolio Standard for Energy Standard (Senate Bill 2X) and fleet-wide passenger car standards (Pavley Regulations).

California Senate Bill 375

Senate Bill 375 (SB 375), known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. It builds on AB 32 by requiring CARB to develop

regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 when compared to emissions in 2005. The per capita reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.[11] The four major requirements of SB 375 are:

1. MPOs must meet greenhouse gas emission reduction targets for automobiles and light trucks through land use and transportation strategies.
2. MPOs must create a Sustainable Communities Strategy (SCS), to provide an integrated land use/transportation plan for meeting regional targets, consistent with the RTP.
3. Regional housing elements and transportation plans must be synchronized on eight-year schedules, with Regional Housing Needs Assessment (RHNA) allocation numbers conforming to the SCS.
4. MPOs must use transportation and air emissions modeling techniques consistent with guidelines prepared by the CTC.

Consistent with the requirements of SB 375, the MTC is partnering with the Association of Bay Area Governments (ABAG), the Bay Area Air Quality Management District (BAAQMD), and the Bay Conservation and Development Commission (BCDC) to prepare the region's SCS as part of the RTP process. [12] The SCS is referred to as *Plan Bay Area*.

Plan Bay Area is a long-range integrated transportation and land-use/housing strategy through 2040 for the San Francisco Bay Area to meet the requirements of California's landmark 2008 Senate Bill 375, which calls on each of the state's 18 metropolitan areas to develop a Sustainable Communities Strategy to accommodate future population growth and reduce greenhouse gas emissions from cars and light trucks. The strategy is intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly within Priority Development Areas (PDAs) identified by local jurisdictions. The project site is within the *Downtown* PDA.

On July 18, 2013, the final *Plan Bay Area* was jointly approved by the ABAG Executive Board and by the MTC. The two agencies also adopted the final EIR for the *Plan Bay Area*.[13]

4.7.2.2 *BAAQMD CEQA Guidelines and 2010 Bay Area Clean Air Plan*

BAAQMD identifies thresholds of significance for operational GHG emissions from land-use development projects in its CEQA Air Quality Guidelines. These guidelines include recommended significance thresholds, assessment methodologies, and mitigation strategies for GHG emissions. The BAAQMD CEQA Guidelines also outline a methodology for estimating GHGs. In jurisdictions where a qualified GHG Reduction Strategy has been reviewed under CEQA and adopted by decision-makers, such as San José, compliance with the GHG Reduction Strategy would reduce a project's contribution to cumulative GHG emission impacts to a less than significant level.

[11] The emission reduction targets are for those associated with land use and transportation strategies, only. Emission reductions due to the California Low Carbon Fuel Standards or Pavley emission control standards are not included in the targets.
[12] ABAG, BAAQMD, BCDC, and MTC. "One Bay Area Frequently Asked Questions." http://www.onebayarea.org/plan_bay_area/faq.htm#31.
[13] ABAG, BAAQMD, BCDC, and MTC. Regional Initiatives; Plan Bay Area. http://onebayarea.org/regional-initiatives/plan-bay-area.html

The Bay Area 2010 CAP addresses GHG emissions along with other air emissions in the San Francisco Bay Area Air Basin. One of the key objectives in the CAP is climate protection. The 2010 CAP includes emission control measures in five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures, Land Use and Local Impact Measures, and Energy and Climate Measures. Consistency of a project with current control measures is one measure of its consistency with the CAP. The current CAP also includes performance objectives, consistent with the State's climate protection goals under AB 32 and SB 375, designed to reduce emissions of GHGs to 1990 levels by 2020 and 40 percent below 1990 levels by 2035.

4.7.2.3 City of San José

City of San Jose Municipal Code

The City's Municipal Code includes the following regulations that would reduce GHG emissions from future development:

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

Envision San Jose 2040 General Plan

The General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates as outlined in the *CEQA Guidelines* and standards for "qualified plans" as set forth by BAAQMD.

The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion.

The primary test for consistency with the Greenhouse Gas Reduction Strategy is conformance to the General Plan Land Use/Transportation Diagram and supporting policies. CEQA clearance for all development proposals are required to address the consistency of individual projects with the goals and policies in the General Plan designed to reduce GHG emissions. Compliance with the mandatory measures and voluntary measures (if required by the City) would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

Additionally, various policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to GHG, as listed in the following table.

Relevant General Plan Policies

Policy MS-1.1	Continue to demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with and/or exceed the City's Green Building Ordinance and City Council Policies as well as State or regional policies which require that projects incorporate various green building principles into their design and construction.
Policy MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy MS-17.2	Ensure that development within San José is planned and built in a manner consistent with sustainable use of current and future water supplies by encouraging sustainable development practices, including low-impact development, water-efficient development and green building techniques. Support the location of new development within the vicinity of the recycled water system and promote expansion of the South Bay Water Recycling (SBWR) system to areas planned for new development. Residential development outside of the Urban Service Area will only be approved at minimal levels and only allowed to use non-recycled water at urban intensities. For residential development outside of the Urban Service Area, restrict water usage to well water, rainwater collection or other similar sustainable practice. Non-residential development may use the same sources and potentially make use of recycled water, provided that its use will not result in conflicts with other General Plan policies, including geologic or habitat impacts. To maximize the efficient and environmentally beneficial use of water, outside of the Urban Service Area, limit water consumption for new development so that it does not diminish the water supply available for projected development within San José's urbanized areas.
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-2.8	Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-2.18	Provide bicycle storage facilities as identified in the Bicycle Master Plan.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new

	development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-8.8	Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rent of a parking space is separated from the rent or sale price for a residential unit or for non-residential building square footage.
Policy TR-8.9	Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.

4.7.3 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	1,6,9
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1,2,5

4.7.2.1 *Greenhouse Gas Emissions Impacts*

Overview of Impact Assessment

GHG emissions worldwide cumulatively contribute to the significant adverse environmental impacts of global climate change. No single land use project could generate sufficient GHG emissions on its own to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects in San José, the entire state of California, across the nation and around the world, contribute cumulatively to the phenomenon of global climate change and its associated environmental impacts.

4.7.2.2 *Conformance with Applicable Plans, Policies and Regulations*

(Checklist Items 1, 2)

Per the CEQA Guidelines, a lead agency may analyze and mitigate significant greenhouse gas emissions in a plan for the reduction of greenhouse gas emissions that has been adopted in a public process following environmental review. The City of San José has an adopted GHG Reduction Strategy that was approved by the City Council in December 2015 in conjunction with the Envision San Jose 2040 General Plan Supplemental EIR. The environmental impacts of the GHG Reduction Strategy were analyzed in the Envision San José 2040 General Plan Final EIR. The City's projected emissions and the GHG Reduction Strategy are consistent with measures necessary to meet statewide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan.

The following discussion focuses on whether project emissions represent a cumulatively considerable contribution to climate change as determined by consistency with City of San José and statewide efforts to curb GHG emissions. As previously noted, projects that are consistent with the City's adopted GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

Greenhouse Gas Reduction Strategy

For the purposes of tracking the proposed project's consistency with the City's Strategy, the measures below are identified as mandatory or voluntary.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan goals/Policies IP-1, LU-10)
2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
    - Solar Site Orientation
    - Site Design
    - Architectural Design
    - Construction Techniques
    - Consistency with City Green Building Ordinance and Policies
    - Consistency with GHGRS Policies: MS-1.1, MS-1.2, MS-2.3, MS-2.11, and MS-14.4
3. Pedestrian/Bicycle Site Design Measures
    - Consistency with the Zoning Ordinance
    - Consistency with GHGRS Policies: CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7
4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;
5. Complete an evaluation of operation energy efficiency and design measures for energy-intensive industries (e.g. data centers) (General Plan Policy MS-2.8), if applicable'
6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and
7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

The proposed project is consistent with the General Plan designations set for the site in the Land Use/Transportation Diagram and is, therefore, consistent with Criteria 1. The project would implement Green Building measures to meet the LEED Building certification requirements and would, therefore be consistent with Criteria 2. The project proposes to improve existing sidewalks on N. 11th Street and E. Santa Clara Street, and provide residents and building visitors with bicycle parking. The proposed project would implement transportation control measures as described in Table 4.3-2 in the Section 4.3 Air Quality to reduce the demand and increase efficiency of parking provided on-site and is, therefore, consistent with Criteria 6.

Criteria 4, 5, and 7 are not applicable to the proposed project because the project would not be demolishing historic structures, the project does not propose to construct an energy-intensive industrial structure, and the project does not propose vehicle serving uses.

Voluntary Criteria

Table 4.7-1 provides a summary of the voluntary criteria and describes the proposed project's compliance with each criterion.

Table 4.7-1 Voluntary Greenhouse Gas Reduction Strategy Criteria

Policies	Description of Project Measure	Project Conformance/ Applicability
Built Environment and Recycling		
Installation of solar panels or other clean energy power generation sources on development sites, especially over parking areas MS-2.7, MS-15.3, MS-16.2		☐ Proposed ☒ Not Proposed or ☐ Not Applicable
Use recycled water wherever feasible and cost-effective (including non-residential uses outside of the Urban Service Area) MS-17.2, MS-19.4	The project would use recycle water for irrigation.	☒ Required/ Proposed ☐ Not Proposed or ☐ Not Applicable
Transportation and Land Use		
Install and maintain trails adjacent to designated trail locations. Have new residential developers build and maintain trails when development occurs adjacent to a designated trail location. PR-8.5, TN-2.7		☐ Proposed ☐ Not Proposed or ☒ Not Applicable
Car share programs	The project would enter into contract with ZipCar or another ride-sharing platform to offer future residents alternative modes of transportation.	☒ Proposed ☐ Not Proposed or

Table 4.7-1 Voluntary Greenhouse Gas Reduction Strategy Criteria		
Policies	**Description of Project Measure**	**Project Conformance/ Applicability**
Promote car share programs to minimize the need for parking spaces TR-8.5		☐ Not Applicable
Parking in Downtown and Urban Village Overlay areas Avoid the construction of surface parking except as an interim use and use structured parking to fulfill parking requirements. CD-2.11		☐ Surface Parking Proposed ☒ Surface Parking Not Proposed or ☐ Not Applicable
Limit parking above code requirements TR-8.4	The proposed number of parking spaces would not exceed requirements in the Municipal Code.	☒ Project is Parked at or below Code Requirements ☐ Project is Parked above Code Requirements or ☐ Not Applicable
Consider opportunities for reducing parking spaces (including measures such as shared parking, TDM, and parking pricing to reduce demand) TR-8.12	The project will include transportation control measures such as expanded bicycle facilities, improved pedestrian facilities, and location in close proximity to transit stops.	☒ Proposed ☐ Project Does Not Propose or ☐ Not Applicable

The proposed project is consistent with the mandatory criteria of the San Jose GHG Reduction Strategy as well as a number of the applicable voluntary criteria. Therefore, the proposed project is consistent with the San Jose GHG Reduction Strategy and GHG emissions impacts would be less than significant. **(Less Than Significant Impact)**

Construction Emissions

The proposed residential development would result in temporary increases in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project site. Construction-

related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant. The proposed project would include standard permit conditions to address air quality during construction (refer to *Section 4.3 Air Quality*). Because project construction will be a temporary condition and would not result in a permanent increase in emissions that would interfere with the implementation of AB 32, the increase in emissions would be less than significant. **(Less Than Significant Impact)**

Consistency with Plan Bay Area
(SB 375 Implementation)

The project site is within the San Jose Downtown Priority Development Area (PDA) identified by the City of San José and in Plan Bay Area. The PDAs contained in Plan Bay Area were identified by local jurisdictions, therefore, the project's conformance with SB 375/Plan Bay Area is based on the project's adherence to the densities and development standards of the City's General Plan. The project would be accessible by transit, which would reduce GHG emissions from vehicular travel. The project, therefore, is consistent with Plan Bay Area. (**Less Than Significant Impact)**

4.7.3 Conclusion

The proposed development would result in less than significant operational GHG emissions. The proposed project would be consistent with applicable GHG plans, policies and regulations. **(Less Than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part on a Phase I Environmental Site Assessment (ESA) prepared by *AEI Consultants,* in October 2015. A copy of the report is attached in Appendix D.

4.8.1 Overview

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury, arsenic), asbestos, and chemical compounds used in manufacturing and other uses. Determining if such substances are present on or near project sites is important because, by definition, exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

Due to the fact that these substances have properties that are toxic to humans and the ecosystem, there are multiple regulatory programs in place that are designed to minimize the change for unintended releases and/or exposures to occur. Other programs set forth remediation requirements at sites where contamination has occurred.

Hazardous waste generators and hazardous materials users in the City are required to comply with regulations enforced by several Federal, State, and County agencies. The regulations are designed to reduce the risk associated with the human exposure to hazardous materials and minimize adverse environmental effects. State and federal construction worker health and safety regulations require protective measures during construction activities where workers may be exposed to asbestos, lead, and/or other hazardous materials.

4.8.2 Setting

4.8.2.1 *Existing Setting*

The 0.63-acre project site is currently developed with four existing commercial buildings totaling 7,256 sf, and surface parking areas. Based on the Geotracker database, it is estimated that the direction of groundwater flow beneath the project site is northwest.[14] Groundwater is expected to occur at a minimum of 10 feet below ground surface (bgs).

There are no known hazardous material concerns on the project site. The surrounding land use is commercial/retail to the east, south, and west of the project site. Residential properties are west of the project site across N. 11th Street, and adjacent to the property boundary to the north.

4.8.2.2 *Site History*

A land use history of the site has been compiled based on aerial photographs, Sanborn fire insurance maps, topographic maps, building records, and City directories. Based on a review of these sources, the project site was vacant land in 1884. In 1891, a residence was constructed on the property.

[14] Geotracker is a database and geographic information system (GIS) that tracks regulatory data and databases including leaking underground fuel tanks (LUFT), Department of Defense (DOD), Spills-Leaks-Investigations-Cleanups (SLIC) and Landfill sites.

Between 1891 and 1915, the residence was demolished and three other residences were constructed on the property. These residences were later demolished between 1950 and 1962. The existing four buildings were constructed in the mid-1920s up until the early 1960s. Since 1922, the subject property has been occupied by various commercial, retail, medical, dental and residential tenants.

Similar to the project site, the surrounding area was occupied by residences in the early 1890s. In the early 1900s, there was an increase in commercial and residential development in the surrounding area.

4.8.2.3 *On-Site Sources of Contamination*

Asbestos and Lead-Based Paint

Asbestos is a hazardous cancer-causing material that can become airborne and inhaled. Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder, by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Non-friable ACMs are materials that contain a binder or hardening agent that does not allow the asbestos particles to become airborne easily. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl asbestos floor tiles, and transite siding[15]. Non-friable ACMs can pose the same hazard as friable asbestos during remodeling, repairs, or other construction activities that would damage the material. Use of friable asbestos products was banned in 1978.

Another hazardous material commonly used in older buildings is lead-based paint. In 1978, the Consumer Products Safety Commission banned paint and other surface coating materials containing lead. Several buildings have been present on the site since 1981. Although the buildings were removed, soil near the location of the former buildings could contain lead from peeled or weathered lead-based paint surfaces. ACMs are not likely present on-site since the buildings have been removed.

Industrial Use

The project site has not been identified as having industrial uses since its development.

Other Uses

Based on a search of the City of San Jose's historical city directories, the building at 509 E. Santa Clara was once occupied by potential dry cleaning tenants from at least 1932 to 1940. Given the available information and relatively short duration of occupancy, former tenants are not expected to represent a significant environmental concern.

Since the project site had a shed as part of the original historic residence, it is reasonable to assume that pesticides were used to control termites on the wooden framed structures. Soils near the location of the former shed may contain residual pesticides.

[15] Transite is composed of cement and asbestos.

4.8.2.4 *Off-Site Sources of Contamination*

The Phase I ESA identified previously documented and current known hazardous materials locations in the project area. Based on the Phase I ESA, there are three hazardous sites adjacent to the project site.

City Auto Care (510 E. Santa Clara Street)

The gas station and auto service facility at 510 E. Santa Clara Street is a closed LUST cleanup site. The database indicates that the property was listed under following databases: LUST (twice), RCRA-SQG, HIST CORTESE, San Jose HAZMAT (twice), Historical UST, EDR US Historical Auto Station, FINDS, CUPA. According to the database, the southeast adjacent property is a closed LUST cleanup site. The database indicates that gasoline had contaminated the groundwater beneath the site. According to the files with the Santa Clara County Department of Environmental Health, two 8,000-gallon gasoline USTs and a 550-gallon waste oil UST were removed from the site on May 17, 1993. The impacted oil was over excavated to a depth of 14.5 feet and confirmation soil samples did not detect concentrations of TPH-g or BTEX above laboratory reporting limits. The groundwater sample collected beneath the former waste oil UST (approximately 160 feet south of the subject property) detected TPH-g at 1,300 ppb, TPH-d at 100 ppb, benzene at 1.2 ppb, toluene at 2.1 ppb, ethylbenzene at 2.7ppb, and xylenes at 2.6 ppb. Based on the analytical data, it was concluded that the release did not pose a significant threat to groundwater and the site was granted closure on November 18, 1998.

According to the database search, the gas station site is a small quantity generator of hazardous wastes. The site is listed in the San Jose HAZMAT database for operating a gas station and auto repair shop. The site is listed in the CUPA Listings database for utilizing hazardous materials and for generating between 100 kilograms and 5 tons of hazardous waste per year. Based on the regulatory status of the site and the available analytical data, the site is not expected to represent a significant environmental concern.

Steve Phuc Trinh DDS, Mickey's & Deal's Shell Service, Langley AR, J.W. Construction (478, 496, and 498 E. Santa Clara Street)

The south adjacent property is a closed LUST cleanup site. The database indicates that waste oil, motor oil, hydraulic oil, and/or lubricating oil had contaminated the soil beneath the site. On January 7, 1986 a 750-gallon waste oil UST was removed and two soil samples were collected. The soil samples detected oil and grease at 100ppm, and concluded that the release did not pose a significant threat to groundwater. The site was granted closure on July 13, 1993.

The site is listed in the CUPA listings database for generating less than 10 gallons of hazardous waste per year. According to the HAZNET listing, the site generated 0.19 tons of an unreported hazardous waste in 2013. According to the database, the site was occupied by a gas station from at least 1940 to 1970 and was occupied by the tenant DFC Auto Motors/DFC Auto Registrations from at least 2004 to 2006. Based on the regulatory status of the site and available analytical data, this site is not expected to represent a significant environmental concern.

Darling & Fisher (471 E. Santa Clara Street)

The adjacent property to the west was listed in the SWEEPS UST database for operating a 550-gasoline UST. The status of the UST was not provided by the database. Based on the lack of a documented release and the inferred direction of groundwater flow, the review of regulatory agency files for this site was not deemed necessary, and the site is not expected to represent a significant environmental concern.

Parking Lot (579 E. Santa Clara Street)

According to the database, this site is an open LUST cleanup site. The LUST database indicates that gasoline has contaminated the groundwater (not a drinking water source) beneath the site. According to the files with SCCDEH, the site was previously occupied by two gas stations from at least 1935 to 1981. Soil and groundwater samples collected in 2009 detected elevated concentrations of TPH-g and naphthalene. Three groundwater monitoring wells, MW-1 through MW-3, were installed as part of the investigation. The well nearest the subject property, MW-2 was installed approximately 0.06 miles east of the subject property. In the most recent sampling of MW-2, both TPH-g and TPH-d concentrations are below their respective environmental screening levels for unrestricted land use. Based on the available analytical data and the relative distance of this site from the subject property, this site is not expected to represent a significant environmental concern.

4.8.2.5 *Applicable Hazards and Hazardous Materials Regulations and Policies*

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes the following hazardous material policies applicable to the proposed project:

Relevant General Plan Policies

Policy CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
Policy EC-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use, or transport in conformance with local, state, and federal laws, regulations, and guidelines.
Policy EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.

Relevant General Plan Policies	
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-based paint and asbestos containing materials, shall be implemented in accordance with State and Federal laws and regulations.
Policy EC-7.5	In redevelopment and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
Action EC-7.8	When an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazard materials found in the soil, groundwater, soil vapor, or in existing structures.
Action EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
Policy TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards navigation.

4.8.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1,2,14
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐	1,2, 14
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	1,2
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☒	☐	1,2,14
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1,2,14
6. For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1,2
7. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1,2
8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1,2

4.8.3.1 *Soil and Groundwater Contamination Impacts*
(Checklist Items 2, 4)

Project Site

The project site was historically used as a residence and contained a shed in the 1880s. Typically, pesticides were used to control termites on wooden framed structures like sheds. There is no evidence of historic agricultural uses on-site.

Development of the project would require site grading, removal of the existing structures and surface parking lot, and the disturbance of soil which could result in impacts to construction workers from exposure to soil contamination. Once the project is complete, most of the exposed soil will be capped with the residential structure.

Surrounding Uses

The project area has historically been used for commercial and residential purposes. Although no USTs were identified on-site, the adjacent gas station is hydrologically upgradient from the project site and chemicals associated with its use (i.e., diesel, MTBE, benzene, toluene, naphthalene, and other gasoline additives) may have affected the soil and groundwater on-site. The Phase I ESA concluded that based on the regulatory status of the site and available analytical data, the soil contamination from the gas station UST leak and other surrounding properties do not pose a significant environmental concern for the project site.

4.8.3.2 *Asbestos-Containing Materials and Lead-Based Paint*
(Checklist Item 2)

In conformance with State and local laws, a visual inspection/pre-demolition survey and sampling, is required of the existing building on-site to determine the presence of asbestos-containing materials and/or lead-based paint. Given the age of the on-site buildings to be demolished, demolition of the structures could expose construction workers or residents in the vicinity of the project site to harmful levels of ACMs or lead.

Impact HAZ-1: The existing structures on the site may have been constructed with asbestos containing materials and lead-based paint, which could be released upon demolition. **(Significant Impact)**

Mitigation Measures: Implementation of the approved mitigation measures shall reduce impacts from lead-based paint and ACMs to a less than significant level.

MM HAZ-1.1: In accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, an asbestos survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of BAAQMD. Demolition and disposal of ACM will be

completed in accordance with the procedures specified by BAAQMD's Regulation 11, Rule 2. The results of the survey and all required reports shall be submitted to the Supervising Environmental Planner prior to any demolition activities.

MM HAZ-1.2: A lead-based paint survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If lead-based paint is identified, then federal and state construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified at the building, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations. Requirements set forth in the California Code of Regulations will be followed during demolition activities, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed. The results of the survey and all required reports shall be submitted to the Supervising Environmental Planner prior to any demolition activities. **(Less Than Significant Impact with Mitigation)**

4.8.3.3 *Airport Hazards*

(Checklist Items 5, 6)

The Norman Y. Mineta San Jose International Airport is located approximately two miles northwest of the project site. The project site itself is not located within the Airport Influence Area (AIA) defined by the Santa Clara County Airport Land Use Commission or within two miles of a private airstrip. However, Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77), rquires that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. For the project site, any structure exceeding approximately 85 feet in height above ground would require submittal to the FAA for airspace safety review.[16]

In compliance with these federal regulations (and General Plan Policy TR-14.2), the project proponent filed for an obtained in February 2016 from the FAA a requisite "Determination of No Hazard" for the proposed structure at a maximum height of 98 feet above ground. **(No Impact)**

The project site is not located within two miles of a private airstrip and would not result in a substantial safety hazard for people living on the project site. **(No Impact)**

[16] County of Santa Clara. *Comprehensive Land Use Plan: Norman Y. Mineta San Jose International Airport.* May 2011.< https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_201008_SJC_Maps.pdf > Accessed October 6, 2015.

4.8.3.4 *Other Hazardous Impacts*

(Checklist Items 1, 3, 7, 8)

The proposed project would routinely use limited amounts of cleaning materials and would not generate substantial hazardous emissions from hazardous materials use or transport. As applicable, current regulations and programs for regulated hazardous materials use would reduce impacts to a less than significant level. **(Less Than Significant Impact)**

The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. The project site is not located within a quarter mile of any schools that would be impacted by any hazardous activities on-site. **(No Impact)**

The proposed project would not impair or interfere with the implementation of an adopted emergency response plan or emergency evacuation plan because there are none involving the site. **(No Impact)**

The proposed project is located in a highly urbanized area that is not subject to wildland fires. Implementation of the proposed project would not expose people or structures to any risk from wildland fires. **(No Impact)**

4.8.4 Conclusion

Implementation of the proposed project would have less than significant hazardous materials impacts. **(Less Than Significant Impact with Mitigation)**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Setting

4.9.1.1 *Water Quality*

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as non-point source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Urban stormwater runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, animal feces, etc.), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

Stormwater runoff water quality is regulated by the federal *National Pollutant Discharge Elimination System* (NPDES) program to control and reduce pollutants to water bodies from surface water discharge. Locally, the NPDES program is administered by the Bay Area Regional Water Quality Control Board (RWQCB). The RWQCB worked with cities and counties throughout the region to prepare and adopt a Regional Municipal Stormwater Permit (Regional Permit). This Regional Permit identifies minimum standards and provisions that the City of San José, as a permittee, must require of new development and redevelopment projects within the City limits. Compliance with the NPDES Regional Permit is mandated by state and federal statutes.

The project site is located in an urban area. Stormwater runoff from the project site currently drains into the San José storm drain system, which eventually empties into the San Francisco Bay.

4.9.1.2 *Flooding*

The project site is located in FEMA Zone D, which indicates that the project area has not been evaluated and therefore subject to possible but undetermined flood hazards in the area. The project site not located within a 100-year floodplain[17] or groundwater recharge area[18].

4.9.1.3 *Dam Failure*

Based on the Santa Clara County Geologic Hazards Map, the project site is located in the Anderson Reservoir dam failure inundation zone.[19]

4.9.1.4 *Seiches, Tsunamis, and Mudflows*

There are no landlocked bodies of water near the project site that would affect the site, in the event of a seiche. Nor are there any bodies of water near the project site that would affect the site, in the

[17] Federal Emergency Management Act. *Flood Insurance Rate Map*, Community Panel: 06085C0234H. May 18, 2009.
[18] Santa Clara Valley Water District. *2012 Groundwater Management Plan*, Ch 2 Page 8. Accessed on August 28, 2015.
[19] Santa Clara Valley Water District. *Anderson Dam EAP 2009 Flood Inundation Maps*. June 2009. <http://www.valleywater.org/services/andersondamandreservoir.aspx> Accessed February 22, 2016.

event of a tsunami.[20] The project area is flat and there are no mountains in proximity that will affect the site, in the event of a mudflow.

4.9.1.5 *Storm Drainage System*

The City of San José owns and maintains the municipal storm drainage system which serves the project site. The entire project site is covered with impervious surface and currently drains into the municipal storm drainage system. The lines that serve the project site drain into the Guadalupe River which carries stormwater from the storm drains into the San Francisco Bay. The project site is approximately 1.5 miles east of the Guadalupe River. Therefore, there is no overland stormwater flow from the project site into the creek.

4.9.1.6 *Groundwater*

The ESA Phase I report prepared for the project determined that groundwater beneath the project site is at a depth of approximately 10 feet below ground surface (bgs) and flows in a northeasterly direction.

4.9.1.6 *Water Quality*

As stated above, stormwater from the project site drains into the Guadalupe River. The water quality of the Guadalupe River is directly affected by pollutants contained in stormwater runoff from a variety of urban and non-urban uses. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, including oil, grease, asbestos, lead, and animal wastes. Based on data from the Environmental Protection Agency (EPA), the Guadalupe River is currently listed on the California 303(d) list and the Total Maximum Daily Load (TMDL) high priority schedule for mercury.[21]

Nonpoint Source Pollution Program

In 1988 the SWRCB adopted the Nonpoint Source Management Plan in an effort to control nonpoint source pollution in California. In December 1999, the Plan was updated to comply with the requirements of Section 319 of the Clean Water Act and Section 6217 of the Coastal Zone Act Reauthorization Amendment (CZARA) of 1990. The Nonpoint Source Program requires individual permits to control discharge associated with construction activities. The Nonpoint Source Program is administered by the Regional Water Quality Control Board (RWQCB) under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. Projects must comply with the requirements of the Nonpoint Source Program if:

- They disturb one acre or more of soil; or
- They disturb less than one acre of soil but are part of a larger development that, in total, disturbs one acre or more of soil.

[20] Association of Bay Area Governments, *Tsunami Inundation Emergency Planning Map for the San Francisco Bay Region.* < http://quake.abag.ca.gov/tsunamis >. July 31, 2009.
[21] U.S. Environmental Protection Agency, *2010 Waterbody Report for Guadalupe River*, < http://iaspub.epa.gov/tmdl_waters10/attains_waterbody.control >. Accessed on August 28, 2015.

The NPDES General Permit for Construction Activities requires the developer to submit a Notice of Intent (NOI) to the RWQCB and to develop a Stormwater Pollution Prevention Plan (SWPPP) to control discharge associated with construction activities.

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed by the RWQCB to assist co-permittees in implementing the provisions of the NPDES permit. This program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the Environmental Protection Agency develop NPDES application requirements for storm water runoff. The Program's Municipal NPDES storm water permit includes provisions requiring regulation of storm water discharges associated with new development and development of an area-wide watershed management strategy. The permit also identifies recommended actions for the preservation, restoration, and enhancement of the San Francisco Bay Delta Estuary.

Applicable projects consist of all new public and private projects that create 10,000 sf or more of impervious surface collectively over the entire project site and redevelopment projects that add or replace 10,000 sf or more of impervious surface area on the project site. Additional requirements must be met by large projects (formerly known as Group 1 projects) that create one acre or more of impervious surfaces. These large projects must control increases in runoff peak flow, volumes, and duration (referred to as hydromodification, discussed below) caused by the project if the increase in stormwater runoff has the potential to cause erosion or other adverse impacts to receiving streams.

Hydromodification

In addition to water quality controls, the Municipal Regional Stormwater NPDES permit requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, drain into tidally influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious (per the Santa Clara Valley Co-Permittees Hydromodification Management Applicability Map).

City of San José Hydromodification Management (Policy 8-14)

The City of San José's Policy No. 8-14, updated in 2010, implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodfication is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

Based on the SCVURPPP watershed map for the City of San José, the project site is exempt from the NPDES hydromodification requirements, because it is located in an area with catchments and subwatersheds greater than or equal to 65 percent impervious.[22]

4.9.1.7 *Groundwater*

Groundwater beneath the site flows in a northwesterly direction and is present at a depth of approximately 10 feet below ground surface.[23]

4.9.1.8 *Applicable Hydrology and Water Quality Regulations and Policies*

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes the following policies applicable to all development projects in San José:

Relevant General Plan Policies

Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City Standards.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
Policy EC-5.1	The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with one percent annual change of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
Policy ER-8.1	Management stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.

[22] Santa Clara Valley Urban Runoff Pollution Prevention Program. *Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements.* Accessed August 28, 2015.
[23] AEI Consultants, *Phase I Environmental Site Assessment.* October 2, 2015.

Relevant General Plan Policies	
Policy ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
Policy ER-10.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.
Policy ER-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

4.9.2 Environmental Checklist and Discussion of Impacts

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	1,2
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	1,2
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	1,2
4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☒	☐	1,2
5. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	1,2

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
6. Otherwise substantially degrade water quality?	☐	☐	☒	☐	1,2
7. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	1,12
8. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	1,12
9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	1,3
10. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1,3,11

4.9.2.1 *Water Quality Impacts*

Construction-Related Water Quality Impacts
(Checklist Items 1, 6)

Construction of the proposed project, as well as grading and excavation activities would result in temporary impacts to surface water quality. When disturbance to underlying soil occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. The proposed project would disturb 0.62 acres of land. Therefore, a NPDES General Permit for Construction Activities is not required for the proposed project.

All development in San Jose must comply with the City's Grading Ordinance. The City of San Jose Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity during the rainy season (October 15 to April 15), the applicant will be required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the best management practices (BMPs) that will be implemented to prevent the discharge of stormwater pollutants.

The Municipal Regional Permit and City Council Policy 8-14 require regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks.

Standard Permit Conditions: Consistent with the General Plan, standard permit conditions that shall be implemented to prevent stormwater pollution and minimize potential sedimentation during construction include, but are not limited to the following:

- Utilize on-site sediment control BMPs to retain sediment on the project site such as perimeter silt fences, placement of hay bales, and sediment basins;

- Utilize stabilized construction entrances and/or wash racks;
- Implement damp street sweeping;
- Provide temporary cover of disturbed surfaces to help control erosion during construction; and
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

The project, with the implementation of the SWPPP and standard permit conditions, would not result in significant construction-related water quality impacts.

Post-Construction Water Quality Impacts

The project would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit. The City's Post-Construction Urban Runoff Management Policy (6-29) establishes specific requirements to minimize and treat stormwater runoff from new and redevelopment projects. The RWQCB Municipal Regional NPDES permit mandates the City of San Jose's planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control, and Treatment measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

The NPDES Permit includes a provision for Special Projects that allows certain types of development to apply LID Treatment Reduction Credits based on a set of criteria. The proposed project meets the Category B Special Project criteria because it is located in the downtown core, creates and/or replaces between 0.5 and 2.0 acres of impervious surface area, includes no surface parking, and have at least 85 percent site coverage by permanent structures. Because the project has a gross density of more than 100 dwelling units per acre, it qualifies for a 100 percent LID Treatment Reduction Credit.[24] For projects that qualify for LID Treatment Reduction Credits, the NPDES permit allows an alternative treatment system of either tree-box-type high flowrate biofilters or vault-based high flowrate media filters. The project proposes to direct all stormwater drainage to a mechanical filter located on the north side of the proposed structure and would, therefore, comply with the NPDES Permit requirements. **(Less Than Significant Impact)**

4.9.2.2 *Groundwater Impacts*
(Checklist Item 2)

Groundwater is estimated to occur at a depth of approximately 10 feet bgs, and flow in a northwesterly direction. The project site does not currently contribute to recharging of the groundwater aquifers used for local water supplies and this condition will not change once the proposed development is complete. As a result, implementation of the proposed project would not

[24] California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit. Section C.3.e.ii.(4).(b).(iii).* May 11, 2015.

interfere with groundwater recharge or cause a reduction in the overall groundwater supply. **(Less Than Significant Impact)**

4.9.2.3 *Drainage and Erosion Impacts*
(Checklist Items 3, 4, 5, 6)

There are no watercourses on or adjacent to the project site and project construction would not result in the alteration of the course of a stream or river. As part of the development of the proposed project, a SWPPP would be prepared in compliance with NPDES requirement and would ensure erosion or siltation impacts are less than significant. **(Less Than Significant Impact)**.

The proposed project would not significantly alter the existing drainage patterns. The project site is currently connected to existing storm drain inlets on the surrounding streets and would continue to connect to existing storm drain inlets once redeveloped. The proposed project is also required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit. **(Less Than Significant Impact)**

As described previously, the entire project site is currently covered with impervious surfaces. The project would replace these impervious surfaces with the proposed development. The project would include below grade stormwater treatment features and a rooftop storm drain plan to direct stormwater to C3 planters. Since the project site is already developed and paved, the proposed project would not exceed the capacity of the storm drainage system. **(Less Than Significant Impact)**

4.9.2.4 *Flooding Impacts*
(Checklist Item 7, 8, 9)

Based on the FEMA flood insurance rate maps, the site is outside the 100-year floodplain. Therefore, implementation of the proposed project will not expose people or structures to significant flood hazards. **(Less Than Significant Impact)**

The project site is located within the Anderson Reservoir dam failure inundation area. Inundation areas, as identified in the General Plan, assume complete failure of the dam with a full reservoir that is completely emptied. Existing regulations and adopted plans and policies reduce the risks to people and property in San Jose from dam failure. In particular, the California Department of Water Resources, Division of Safety of Dams (DSOD) is responsible for regular inspection of dams in California. DSOD inspects each dam on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. In addition, the SCVWD routinely monitors and studies the condition of each of its 10 dams, including Anderson. The General Plan FEIR concluded that with the regulatory programs currently in place, the possible impacts of dam failure would be less than significant. Therefore, the proposed project would have a less than significant dam-induced flooding impact. **(Less Than Significant Impact)**

4.9.2.5 *Other Inundation Impacts*
(Checklist Item 10)

The project site is not subject to seiche, tsunami, or mudslide hazards. The California Department of Conservation provides tsunami inundation maps for the Bay Area. Based on the review of the maps for Santa Clara County, the project site is not mapped in an affected area. The project is not located in proximity to any large bodies of water or hillsides. **(No Impact)**

4.9.3 Conclusion

Implementation of the proposed project would have less than significant hydrology impacts. **(Less Than Significant Impact)**

4.10 LAND USE

The following discussion is based, in part, on a shade and shadow study prepared for the project. The study is provided in Appendix E of this report.

4.10.1 Setting

4.10.1.1 *Existing Land Uses*

The project site is currently developed with four commercial buildings totaling approximately 7,256 sf and a surface parking lot.

4.10.1.2 *Surrounding Land Uses*

The project site is on the northeast corner intersection of N. 11th Street and E. Santa Clara Street, four blocks east of the central Downtown core area of San Jose. The project area consists of single-story commercial buildings, and residences ranging from one- to two and a half-stories. East of the project site are single-story commercial businesses including a restaurant. West of the project site, across N. 11th Street are single-story residences and a parking lot associated with the Darling-Fischer Garden Chapel. North of the site is a two and a half-story residence, and south of the site across North 11th Street and East Santa Clara Street is a two-story commercial building.

4.10.1.3 *General Plan and Zoning Designations*

The project site is designated as *Urban Village* under the adopted Envision 2040 General Plan, and is zoned *CG-Commercial General* and *RM- Multiple Residence District.*

The General Plan establishes the Urban Villages concept to create a policy framework to direct most new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities. The *Urban Village* designation is further divided into four categories: Regional Transit Urban Village, San José Transit Urban Village, Commercial Center Urban Villages and Neighborhood Urban Villages. The project site is within the East Santa Clara Urban Village, a downtown urban village corridor planned as a residential growth area.

The zoning district for the project site is *Commercial General* and *Multiple Residence Zoning District.* This district allows for a full range of retail and commercial uses with a local or regional market. Development is expected to be auto-accommodating and includes larger commercial centers as well as regional malls. The project proposes a rezoning to *CP(PD) –Commercial Pedestrian Planned Development Zoning District.*

4.10.1.4 *Applicable Land Use Regulations and Policies*

Santa Clara Valley Habitat Conservation Plan

The project site is located within the study area of the Santa Clara Valley Habitat Plan. The Santa Clara Valley Habitat Plan is a habitat conservation plan (HCP) and natural community conservation plan (NCCP) intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The project site is designated as *Urban-Suburban* by the SCVHP and the project is considered a covered activity under the plan.

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes policies applicable to all development projects in San José. All future development allowed by the proposed land use designation would be subject to the land use policies of the City's General Plan, including the following:

Relevant General Plan Policies

Policy LU-1.2	Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.
Policy LU-2.1	Provide significant job and housing growth capacity within strategically identified "Growth Areas" in order to maximize use of existing or planned infrastructure (including fixed transit facilities), minimize the environmental impacts of new development, provide for more efficient delivery of City services, and foster the development of more vibrant, walkable urban settings
Policy LU-2.3	To support the intensification of identified Growth Areas, and to achieve the various goals related to their development throughout the City, restrict new development on properties in non-Growth Areas
Policy LU-9.6	Require residential developments to include adequate open spaces in either private or common areas to partially provide for residents' open space and recreation needs.
Policy LU-10.4	Within identified growth areas, develop residential projects at densities sufficient to support neighborhood retail in walkable, main street type development.
Policy CD-1.1	Require the highest standards of architectural and site design, and apply strong controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

Relevant General Plan Policies

Policy CD-1.23 Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Policy IP-5.10 Allow non-residential development to proceed within Urban Village areas in advance of the preparation of an Urban Village Plan. In addition, a residential, mixed-use "Signature" project may also proceed ahead of preparation of a Village Plan. A Signature project clearly advances and can serve as a catalyst for the full implementation of the Envision General Plan Urban Village strategy. A Signature project may be developed within an Urban Village designated as part of the current Plan Horizon, or in a future Horizon Urban Village area by making use of the residential Pool capacity. A residential, mixed-use Signature project may proceed within Urban Village areas in advance of the preparation of an Urban Village Plan if it fully meets the following requirements:

1. Conforms to the Land Use / Transportation Diagram. Within the Urban Village areas, Signature projects are appropriate on sites with an Urban Village, residential, or commercial Land Use / Transportation Diagram designation.
2. Incorporates job growth capacity above the average density of jobs/acre planned for the developable portions of the entire Village Planning area and, for portions of a Signature project that include housing, those portions incorporate housing density at or above the average density of dwelling units per acre planned for the entire Village Planning area.
3. Is located at a visible, prominent location within the Village so that it can be an example for, but not impose obstacles to, subsequent other development within the Village area.

Additionally, a proposed Signature project will be reviewed for substantial conformance with the following objectives:

4. Includes public parklands and/or privately maintained, publicly-accessible plazas or open space areas.
5. Achieves the pedestrian friendly design guideline objectives identified within this General Plan.
6. Is planned and designed through a process that provided a substantive opportunity for input by interested community members.
7. Demonstrates high-quality architectural, landscape and site design features.
8. Is consistent with the recommendations of the City's Architectural Review Committee or equivalent recommending body if the project is subject to review by such body.

4.10.2 Environmental Checklist and Discussion of Impacts

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Physically divide an established community?	☐	☐	☒	☐	1,2
2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	1,2,3
3. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐	1,2,8

4.10.2.1 *Compatibility with Neighborhood Uses*
(Checklist Item 1)

The proposed project site is surrounded by existing development and is currently developed with commercial buildings. The proposed mixed-use building would be similar to the surrounding uses in the area. Residences are located west across N. 11th Street, adjacent to the northern border of the project site, and east of the project site. Commercial and retail buildings are located adjacent to the project site along E. Santa Clara Street to the east and south. Existing sidewalks along the project's street frontages would remain and continue to provide good connectivity to the surrounding land uses in the area. The proposed project would not physically divide an established neighborhood. **(Less Than Significant Impact)**

4.10.2.2 *Land Use Compatibility Impacts*
(Checklist Item 2)

Consistency with Applicable Land Use Plans, Policies, or Regulations

Envision San José 2040 General Plan

The project site is currently located within the E. Santa Clara Street Urban Village with the land use designated of *Urban Village* under the San José 2040 General Plan. Currently, an Urban Village Plan has not yet been adopted for this Village. The proposed project would be consistent with the allowable uses under the signature project Policy IP-5.10, which allows for a residential mixed-use project to proceed in advance of the adoption of an Urban Village Plan. **(Less Than Significant Impact)**

Zoning Ordinance

The project site is zoned *CG – Commercial General District* which allows for a full range of retail uses and *RM- Multiple Residence District* which allows for higher density residential development. The *CG* zoning ordinance limits building heights to 120 feet above ground surface, for properties within an Urban Village boundary. The project is proposing a rezoning to a zoning designation of *CP(PD)*, which would allow for a building height of 98 feet. **(Less Than Significant Impact)**

4.10.2.3 *Land Use Compatibility*
(Checklist Items 1, 2)

Land use conflicts can arise from two basic causes: 1) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of land use compatibility; or 2) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. The discussion below distinguishes between potential impacts from the proposed project upon people and the physical environment, and potential impacts from the project's surroundings upon the project itself.

Impacts from the Proposed Project

The project proposes a change in use of the site to include residential uses as well as retail/commercial uses (existing). The proposed project would change the character of the project site by replacing existing, one-story commercial buildings with a modern, seven-story building.

The proposed use would be compatible with surrounding land uses to the north, south, east, and west. The proposed development would result in increased ambient noise levels in the project area; however, as discussed in Section 4.12, *Noise*, the noise from vehicular traffic generated by the project would be less than significant. The project would include mitigation measures in Section 4.11, *Noise* to reduce mechanical equipment noise generated by the project. Construction activities would result in temporary air quality and noise impacts to the surrounding residential area. Sections 4.3 *Air Quality* and 4.12, *Noise*, of this Initial Study, discuss these impacts in detail and provide measures to reduce these impacts.

The design of the new building would be complementary to the surrounding neighborhood (e.g., use of approved building materials, and orientation of the building to the street). With the implementation General Plan policies, zoning ordinance, and other applicable regulations, the project would not result in significant land use conflicts.

<u>Shade and Shadow</u>

The project is not immediately adjacent to any public open spaces or riparian corridors. The nearest public open space area is Roosevelt Park located on E. Santa Clara St., approximately 0.5 miles east of the site. The nearest riparian corridor is the Coyote Creek, approximately 0.5 miles east of the site. The maximum building height of 98 feet above ground surface.

A shadow study was prepared to show the proposed building's shadow that would be cast onto adjacent areas at 9:00 AM, 12:00 PM and 3:00 PM on June 21st, March 21st/September 21st, and

December 21st. The June 21st shadow cast at 9:00 AM shadow would slightly encroach onto N. 11th Street and residential properties to the north, by 12:00 would disappear, and by 3:00 PM, the shadow would shift to cover the existing restaurant east of the project site. On March 21st/September 21st, the 9:00 AM shadow would spill onto residential properties to the north and slightly onto N. 11th Street. By 3:00 PM, the shadow would shift to onto the existing restaurant, east of the project site. The December 21st shadow cast at 9:00 AM would completely cover residential properties to the north, cover residential properties northeast of the project site at 12:00 PM, and would completely cover the existing restaurant building and lot east of the project site by 3:00 PM.

Although the project would result in shadows on neighboring properties, the project would not result in shadows on any public open spaces or riparian corridors. The project, therefore, would not result in significant shade and shadow impacts. **(Less Than Significant Impact)**

4.10.2.4 *Santa Clara Valley Habitat Conservation Plan Impacts*
(Checklist Item 3)

The project site is located within in area designated as *Urban-Suburban* under the SCVHP. No sensitive species or habitat types are present on the project site and the project would not have any direct impacts to any of the covered species in the SCVHP.

The project's indirect impact to sensitive habitats and species is discussed in Section 4.4, *Biological Resources*. The project shall comply with the SCVHP and pay the applicable fees to mitigate its impacts to a less than significant level. For these reasons, the project would not conflict with the applicable SCVHP. **(Less Than Significant Impact)**

4.10.3 Conclusion

The project would not physically divide an established community or conflict with plans, policies, or regulations adopted for the purpose of avoiding an environmental impact. **(Less Than Significant Impact)**

4.11 MINERAL RESOURCES

4.11.1 Setting

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated the Communications Hill Area, bounded generally by the Union Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue as containing mineral deposits which are of regional significance as a source of construction aggregate materials.

Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA.

The project site is outside of the Communications Hill area.

4.11.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	1.3
2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	1,2,3

4.11.2.1 *Mineral Resource Impacts*
(Checklist Items 1, 2)

The project site is located well outside of the Communications Hill area. Implementation of the proposed project would not result in the loss of any known mineral resources.

4.11.3 Conclusion

The proposed project would not result in impacts to known mineral resources. **(No Impact)**

4.12 NOISE

4.12.1 Setting

4.12.1.1 *Background Information*

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a "decibel" scale which serves as an index for loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the "A-weighted" decibel or dBA.

Although the A-weighted noise level may adequately indicate the level of environmental noise at any instant in time, community noise levels vary continuously. Most environmental noise includes a conglomeration of noise from distant sources that create a relatively steady background noise in which no particular source is identifiable. To describe the time-varying character of environmental noise, the statistical noise descriptors, L_{01}, L_{10}, L_{50}, and L_{90}, are commonly used. They are the A-weighted noise levels equaled or exceeded during one, 10, 50, and 90 percent of a stated time period. A single number descriptor called the L_{eq} is also widely used. The L_{eq} is the average A-weighted noise level during a stated period of time. An A-weighted maximum noise level is L_{max}.

In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. During the nighttime, exterior background noises are generally lower than daytime levels. Most people sleep at night and are very sensitive to noise intrusion. To account for human sensitivity to nighttime noise levels, a descriptor, DNL (day/night average sound level), was developed. The DNL, divides the 24-hour day into the daytime of 7:00 a.m. to 10:00 p.m. and the nighttime of 10:00 p.m. to 7:00 a.m. The nighttime noise level is weighted to 10 dB higher than the daytime noise level.

Construction Noise

Construction is a temporary source of noise impacting residences and businesses located near construction sites. Construction noise can be significant for short periods of time at any particular location and generates the highest noise levels during grading and excavation, with lower noise levels occurring during building construction. Large pieces of earth-moving equipment, such as graders, scrapers, and bulldozers generate maximum noise levels of 85 to 90 dBA at a distance of 50 feet. Typical hourly average construction-generated noise levels are approximately 80 to 85 dBA measured at a distance of 50 feet from the site during busy construction periods. Some construction techniques, such as impact pile driving, can generate very high levels of noise (105 dBA L_{max} at 50 feet) that are difficult to control. Construction activities can elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more during construction hours.

4.12.1.2 *Existing Noise Conditions*

Noise levels in the project area are primarily influenced by vehicular noise on the surrounding roadways. Based on the General Plan FEIR, the existing ambient noise levels at the project site

range from 60 to 70 dBA DNL. The project site is approximately two miles south of the Norman Y. Mineta San José International Airport and is outside the airport's noise contours.

The project site is surrounded by existing residences and commercial businesses. The nearest residence is a two and a half-story multi-family building located adjacent to the project site's northern border. Other nearby residences are located across N. 11th St. to the west, and east of the project site along N. 12th Street. The residences are considered sensitive receptors.

4.12.1.4 *Applicable Land Use Regulations and Policies*

2014 State Building Code, Title 24, Part 2

The State Building Code, Title 24, Part 2 of the State of California Code of Regulations establishes uniform minimum noise insulation performance standards to protect persons within new buildings which house people, including hotels, motels, dormitories, apartment houses and dwellings other than single-family dwellings. Title 24 mandates that interior noise levels attributable to exterior sources shall not exceed 45 dB DNL or CNEL in any habitable room.

Envision San Jose 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City and ensuring compatibility between the environment and proposed land uses. The following policies are specific to noise and vibration and are applicable to the proposed project. In addition, the noise and land use compatibility guidelines set forth in the General Plan are shown in Table 4.12-1.

Relevant General Plan Policies

Policy ES-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: <u>Interior Noise Levels</u> • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. <u>Exterior Noise Levels</u> • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 4.12-1 in this Initial Study). Residential uses are considered

"normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.

Policy EC-1.2 Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or Table 4.12-1 in this Initial Study) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

Policy EC-1.3 Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to uses through noise standards in the City's Municipal Code.

Policy EC-1.6 Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.

Policy EC-1.7 Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Policy EC-2.3 Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

Table 4.12-1: General Plan Noise Land Use Compatibility Guidelines

Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care[1]						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

Notes: [1]Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

Normally Acceptable:
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:
Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.

Unacceptable:
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

City of San José Municipal Code

The Municipal Code restricts construction hours within 500 feet of a residential unit to 7:00 AM to 7:00 PM Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.[25]

The Zoning Ordinance limits noise levels to 55 dBA L_{eq} at any residential property line and 60 dBA L_{eq} at commercial property lines, unless otherwise expressly allowed in a Development Permit or other planning approval. The Zoning Ordinance also limits noise emitted by stand-by/backup and emergency generators to 55 decibels at the property line of residential properties. The testing of generators is limited to 7:00 AM to 7:00 PM, Monday through Friday.

[25] The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

4.12.2 Environmental Checklist and Discussion of Impacts

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	1,2,16
2. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐	1,2,16
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1,2,16
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1,2,16
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1,2
6. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1,2

For the above checklist questions involving environmental conditions affecting the project, it is noted that a December 2015 CA Supreme Court decision indicates this discussion is no longer required under CEQA. This information is included within the environmental impacts discussion to inform the planning process by discussing how the project complies with relevant local policies/regulations that protect sensitive land uses from existing hazards.

4.12.2.1 *Noise Exposure to the Project*
(Checklist Item 1)

Interior Use Areas

Ambient noise levels on the project site would be influenced primarily by automobile traffic. The General Plan states that current noise levels around the project site range from 60 to 70 dBA DNL. Based on estimated future traffic volumes associated with planned growth, the General Plan FEIR concluded that ambient noise levels on the project site will be between 60 and 70 dBA by 2035.

Existing noise levels at the project site (60 dBA to 70 dBA) are within the "conditionally acceptable" limit of 60 dBA to 75 dBA for residential land uses. By 2035, the ambient noise levels are anticipated to remain within this range (60 and 70 dBA).

Standard building construction techniques and materials attenuate approximately 15 to 20 dBA of exterior noise for interior areas.[26] In order to achieve interior noise levels of 45 dBA L_{dn} the project would need to incorporate an alternative form on ventilation, such as noise-baffled passive air ventilation systems or mechanical air conditioning systems which would allow windows to remain closed. Without the inclusion of specialized building materials to reduce interior noise levels, the proposed project would be exposed to noise levels in excess of established standards and the City's General Plan Noise Element policies.

The project would implement the following standard measure to meet the City's interior noise level standard of 45 dBA $L_{dn.}$

Standard Measures:

- Residential units shall include an alternative form of ventilation, such as noise-baffled passive air ventilation systems or mechanical air conditioning systems so that windows can remain closed.

With implementation of the standard measure and General Plan policies and other applicable regulations, the project would not expose future residents to interior noise levels in excess of City Standards.

4.12.2.2 *Noise Impacts from the Project*
(Checklist Items 1, 2, 3, 4)

Project Generated Traffic Noise
(Checklist Items 1, 3)

An increase of three dBA at noise-sensitive receptors would result in a noticeable increase in the ambient noise levels and a significant noise impact. The project would have to double the existing traffic volume in the project area to reach that threshold. The project would generate 49 new AM peak hour and 50 new PM peak hour trips (approximately 475 average daily trips) on the local roadways and would not double the existing traffic volume.[27]

Based on estimated future traffic volumes associated with the planned growth and redevelopment in the project area, noise levels are anticipated to remain similar to existing conditions (60 dBA to 70 dBA) by 2035. Since redevelopment of the project site with higher density housing was accounted for as part of the planned growth in the General Plan and project traffic is not of sufficient volume to cause a noticeable increase in noise levels in the project area, the project will have a less than

[26] Envision San José 2040 General Plan Program Environmental Impact Report. Noise and Vibration. June 2011.
[27] Institute of Transportation Engineers (ITE) *Trip Generation, 9th Edition*. Trip Generation Rates.
Based on residential condominium/townhouse units with a weekday daily trip rate of 5.81 per unit. Typically, weekdays have higher trip rates than weekends.
The ITE did not identify average daily trip data for a convenience market.

significant long-term noise impact on the nearby residential land uses. (**Less Than Significant Impact)**

Construction Noise Impacts
(Checklist Item 4)

It is estimated that the project will take approximately 20 months to construct, with heavy construction lasting shorter than 12 months. Construction activities associated with implementation of the proposed project would temporarily increase noise levels in the project area. Construction activities generate considerable amounts of noise, especially during demolition and the construction of project infrastructure when heavy equipment is used. Typical average construction generated noise levels are about 81 – 89 dB measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). Construction generated noise levels drop off at a rate of about six DB per doubling of distance between the source and the receptor.

The construction of the proposed project would temporarily increase noise levels in the immediate vicinity of the project site and would be audible at the adjacent and nearby residences and could result in a potential impact. The General Plan FEIR concluded that short-term construction noise would be mitigated by identified General Plan policies.

Consistent with the Municipal Code and in accordance with the General Plan FEIR, particularly Policy EC-1.7, the proposed project will be required to implement the following measures as Standard Permit Conditions during all phases of construction on the project site:

Standard Permit Conditions:

- Demolition and construction activities on- or off-site, within 500 feet of sensitive receptors, such as residential development, shall be restricted to the hours of 7 AM to 7 PM Monday through Friday, non-holidays only.
- Staging areas and construction material areas shall be located as far away as possible from adjacent land uses.
- All internal combustion engines for construction equipment used on the site shall be properly muffled and maintained.
- All unnecessary idling of internal combustion engines is prohibited.
- All stationary, noise-generating construction equipment, such as air compressors and portable power generators, shall be located as far as practical from existing residences and businesses.
- The Director of Planning and residential neighborhoods within proximity of the project site shall be notified in writing by the developer of the construction schedule at least seven days prior to the start of construction.
- A noise disturbance coordinator shall be designated who is responsible for responding to complaints about construction noise. The telephone number of the disturbance coordinator shall be posted in a conspicuous place at the construction site and shall also be included in the notice sent to neighbors and the Director of Planning regarding the schedule.

With implementation of the identified Standard Permit Conditions, the project will have a less than significant impact on the temporary increase in ambient noise levels in the project area. **(Less Than Significant Impact)**

Groundborne Vibration Impact
(Checklist Item 2)

The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels such as people in an urban environment may tolerate a higher vibration level.

Structural damage can be classified as cosmetic only, such as minor cracking of building elements, or may threaten the integrity of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher and there is no general consensus as to what amount of vibration may pose a threat for structural damage to the building. Construction-induced vibration that can be detrimental to the building is very rare and has only been observed in instances where the structure is at a high state of disrepair and the construction activity occurs immediately adjacent to the structure.

Construction activities such as drilling, use of jackhammers (approximately 0.035 in/sec PPV at 25 feet), rock drills and other high-power or vibratory tools (approximately 0.09 in/sec PPV at 25 feet), and rolling stock equipment such as tracked vehicles, compactors, etc. (approximately 0.89 in/sec PPV at 25 feet) may generate substantial vibration in the immediate site vicinity.

As described in *Section 4.5 Cultural Resources,* the adjacent Thorne-Brown residence north of the property line, portions of which are estimated to be 150 years old, is listed on the City's Historic Resource Inventory. As described previously, the City has established a vibration limit of 0.08 in/sec PPV for sensitive historic structures. Due to the proposed construction activities and the distance of the site to the neighboring historic structure, vibration from project construction could exceed the City's standards.

Impact NOI-1: Construction and demolition activities associated with the project could result in vibration levels in excess of City standards and affect the adjacent residence (Thorne-Brown House), which is listed on the City's Historic Resources Inventory.

Mitigation and Avoidance Measures: The following mitigation measures are included in the project to reduce construction-related impacts to historic structures to a less than significant impact.

MM NOI -1.1: A structural engineer with a minimum of five years of experience in the rehabilitation of historic buildings, shall prepare designs and specifications for

protective barriers required to protect the exposed walls of the Thorne-Brown House from potential damage caused by construction activities.

MM NOI -1.2: Prior to demolition, a structural engineer shall undertake an existing condition study of the Thorne-Brown House. The purpose of the study would be to establish the baseline of the building prior to construction, including the location and extent of any visible existing cracks, chipping, or flaking, especially to the character defining features of the building. The documentation shall take the form of written descriptions and photographs. The documentation shall be reviewed and approved by appropriate City of San Jose staff and maintained on file throughout the construction process.

MM NOI 1-3: The structural engineer shall monitor the Thorne-Brown House during demolition, excavation, grading of the site, as well as during framing of the building and report any changes to existing conditions, including, but not limited to, expansion of existing cracks, new spalls, or other exterior damage/deterioration. Monitoring reports shall be submitted to and reviewed by the City's Supervising Environmental Planner at the Department of Planning, Building, and Code Enforcement on a quarterly basis.

In the event any of these changes occur, work should be halted temporarily and the structural engineer will identify corrective measures to repair the structure and address these changes, which shall be carried out by the project sponsor. A corrective measure plan shall be submitted to the City's Supervising Environmental Planner for review and approval prior to implementation.

MM NOI 1-4: The implementation of the corrective measure plan will be determined by the City with input from the project sponsor and the Thorne-Brown homeowners/residents. The corrective measures should be carried out concurrently with the project construction, if determined to be feasible. If simultaneous work is not feasible, construction of the project can resume once the corrective measures are complete and the City has determined the Thorne-Brown House to be adequately protected from further potential damage due to project construction.

All documents prepared in accordance with this mitigation measure shall be reviewed and approved by the Supervising Environmental Planner at the Department of Planning, Building, and Code Enforcement.

Implementation of mitigation measure MM NOI-1 would reduce vibration impacts to the Thorne-Brown house to a less than significant level. **(Less Than Significant Impact with Mitigation)**

In areas where vibration would not be expected to cause structural damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and it would not be considered significant given the intermittent and short duration of the phases that have the highest potential of producing vibration (pile driving and use of jackhammers and other

high power tools). By use of administrative controls such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration to hours with least potential to affect nearby businesses, perceptible vibration can be kept to a minimum and as such would not result in a significant impact with respect to perception.

4.12.2.3 *Operational Noise*
(Checklist Items 1, 3)

Outdoor Use Noise

The project proposes a podium-level outdoor courtyard with amenities for tenants, including a fire table, synthetic lawn flex space, outdoor seating, and a ping pong table. The courtyard would be shielded from ambient traffic noise on all sides by the walls of the proposed building and would reduce ambient noise levels lower than existing noise from E. Santa Clara Street and N. 11th Street. Shielding of the third-floor courtyard would prevent spillover noise onto adjacent residences. Given that the courtyard would be shielded from noise along E. Santa Clara St. and N. 11th St., noise levels for outdoor use common areas would remain within the City's noise requirements of 60 dBA L_{dn} for exterior noise in active use areas.

The project would also have a 541 sf outdoor terrace on the fifth floor and a 735 sf terrace on the sixth floor of the building which would serve as passive outdoor space for residents. The fifth and sixth floor terraces would be partially shielded from noise along E. Santa Clara Street and N. 11th Street. The proposed fifth floor terrace would be set back approximately 15 feet from the northern property line and approximately 16 feet from the western property line. The proposed sixth floor terrace would be set back approximately 17 feet from the northern property lines and 46 feet from the western property line. Under General Plan policy, *EC-1.1*, the outdoor terraces, as part of the proposed project, are excluded from the 60 dBA DNL exterior noise level objective. Given the setbacks from street frontages, height of the proposed terraces from street level, and that the fifth and sixth floor terraces would serve as passive use areas, the project would not generate noise levels in excess of General Plan policies or noise ordinances. **(Less Than Significant Impact)**

Driveway, Surface Parking Lot, and Parking Structure Noise

The project proposes a two-level parking garage with an access ramp from N. 11th Street. . 272 long-term bicycle spaces would be provided on the first and second levels. Vehicles would access the site from a driveway approximately 115 feet north of E. Santa Clara Street, along N. 11th Street.

The nearest adjacent noise-sensitive receptors would be located approximately 15 feet north of the garage entrance along N. 11th Street.

Use of the parking garage would not increase ambient noise levels of the project site. While parking garage use generates instantaneous noise levels (e.g., doors closing, engines starting, car alarms, and motor and tire noise), the design of the garage would block noise from reaching nearby sensitive receptors. The first-level of the parking garage would be enclosed by solid walls on the northern and eastern sides, and indoor retail uses would shield the garage on the southern boundary from E. Santa Clara Street. The garage entrance along N. 11th Street would be open to facilitate ingress/egress of

vehicles. The second floor of the parking garage would be enclosed on all four sides. Therefore, instantaneous noises from the parking garage would be blocked from reaching nearby sensitive receptors through project design. **(Less Than Significant Impact)**

4.12.4 *Noise and Land Use Compatibility (Aircraft)*
(Checklist Items 5, 6)

Mineta San Jose International Airport is located approximately two miles northwest of the project site. Although aircraft-related noise could occasionally be audible at the site, the project site lies outside the 2027 60 dBA CNEL noise contour shown in the Norman Y. Mineta San Jose International Airport Master Plan Update. Exterior and interior noise levels resulting from aircraft would be compatible with the proposed project. The site is not within proximity of a private airstrip. **(No Impact)**

4.12.3 Conclusion

Implementation of the proposed mitigation measures, consistent with the certified Envision San José 2040 General Plan Final EIR, General Plan policies, and Municipal Code, would reduce noise and vibration impacts to existing sensitive land uses to a less than significant level.
(Less than Significant Impact with Mitigation)

4.13 POPULATION AND HOUSING

4.13.1 Setting

According to California Department of Finance 2010 census data, San José's population for 2010 was 945,942 persons. In 2010, there were 314,038 households with an average of 3.09 persons per household.[28] According to the 2040 Envision General Plan, the population in 2035 would be 1.4 million persons occupying 429,350 households.

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/employed resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing.

San José currently has a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident) but this trend is projected to reverse with full build-out under the current General Plan.

The site is currently developed with two commercial buildings, totaling approximately 7,256 square feet.

4.13.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐	1,2
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1,2
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1,2

[28] State of California Department of Finance. *Census 2010.* <http://www.dof.ca.gov/research/demographic/reports/estimates/e-4/2011-20/view.php> Accessed on September 1, 2015.

4.13.2.1 *Population and Housing Impacts*

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (i.e., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

Population Growth
(Checklist Items 1, 2, 3)

The project proposes to demolish the existing commercial buildings and construct a new, seven-story residential building with ground floor retail and office space. The project would not displace housing or people as no current residential units exist at the existing project site. Implementation of the project would result in an increase of 86 dwelling units in the City. The increase in housing would result in a net increase in local population by approximately 266 residents.[29] The number of additional residents is part of the planned growth of the City. The project's small population increase would not induce a substantial additional population growth in the City of San Jose. Roads and utilities are present to serve the project site; therefore the project would not induce substantial population growth through the extension of infrastructure. **(Less Than Significant Impact)**

4.13.3 Conclusion

Implementation of the proposed project would result in significant impacts on the City's population and housing supply. **(Less than Significant Impact)**

[29] The average number of residents is calculated from 3.09 persons per household from the State of California Department of Finance.

4.14 PUBLIC SERVICES

4.14.1 Setting

4.14.1.1 *Fire Protection Services*

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The closest station to the project site is Station No. 8, located at 802 E. Santa Clara Street, approximately 0.4 miles northeast of the project site.

For fire protection services, the General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls.

4.14.1.2 *Police Protection Services*

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission St, approximately 2.1 miles northwest of the project site. SJPD is divided into four geographic divisions: Central, Western, Foothill, and Southern. The project site is directly served by the SJPD Central Division, which includes five patrol officers and two crime prevention specialists. For the last several years, the most frequent calls for service in the City have deal with larceny, burglary, vehicle theft, and assault.

For police protection services, the General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls.

4.14.1.3 *Schools, Libraries, and Parks*

The proposed project is the demolition of four commercial buildings and construction of a seven-story mixed used building. The proposed design, 86 units with a total of 259 bedrooms, is intended to be primarily occupied by college students affiliated with San Jose State University.

The project site is located within the East Side Union High School District. The nearest public schools to the project site include Horace Mann Elementary School (0.3 miles west), Peter Burnett Middle School (1.9 miles northwest), and San Jose Community High School (1.1 miles east).

The City of San Jose is served by the San Jose Public Library System. The San Jose Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 22 branch libraries. The nearest public library, Joyce Ellington Public Library, is 1.1 miles northwest of the project site.

The City of San Jose currently operates 184 neighborhood parks (including skate parks), 53 community centers, nine regional parks, and over 53 miles of trails. The nearest public park, Roosevelt Park is approximately 0.5 miles east of the project site.

4.14.1.4 *Applicable Public Services Regulations and Policies*

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes the following policies applicable to all development projects in San José:

Relevant General Plan Policies

Policy ES-3.1	Provide rapid and timely Level of Service response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the city. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
Policy CD-5.3	Promote crime prevention through site and building designs that facilitate surveillance of communities by putting "eyes on the street." Design sites and building to promote visual and physical access to parks and open space areas. Support safe, accessible, and well-used public open spaces by orienting active use areas and building facades towards them.
Policy CD-5.5	Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other stands set forth in local, state, and federal regulations.

4. 14.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	☐	☐	☒	☐	1,2
Police Protection?	☐	☐	☒	☐	1,2
Schools?	☐	☐	☒	☐	1,2
Parks?	☐	☐	☒	☐	1,2
Other Public Facilities?	☐	☐	☒	☐	1,2

4.14.2.1 *Impacts to Public Services*

(Checklist Item 1)

Fire Protection Services

The proposed development on the project site is included in the planned growth under the *Envision 2040* General Plan. The project is, however, only a small fraction of the total growth identified. The proposed project, by itself, would not preclude the SJFD from meeting its service goals. Furthermore, the proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies identified in the General Plan FEIR to avoid unsafe building conditions and promote public safety. The proposed project would not require new fire stations to be constructed or existing fire stations to be expanded to serve the development. **(Less Than Significant Impact)**

Police Protection Services

The General Plan FEIR concluded that planned growth under *Envision San Jose 2040* would increase the population of the City which would require an increase in police services. While the overall service area would not increase, additional police officers and equipment would be needed to serve the larger population; however the personal increase would not require construction of new police facilities.

The proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. As a result, the proposed project would not require new police facilities. **(Less Than Significant Impact)**

Schools, Libraries and Parks

The intent of the proposed project is to provide additional non-university funded housing for students affiliated with San Jose State University (SJSU). The project will have 86 dwelling units with 259 bedrooms, the majority of which are anticipated to be occupied by college students, not families. Nevertheless, using a conservative student generation estimate from the *San Jose Student Generation Development Fee Justification Study* and assuming that each of the 86 units is occupied by a family, the proposed project would generate 15 elementary school students, 7 middle school students, and 10 high school students.[30] The project would be required to pay school impact fees pursuant to Government Code Sections 65996 to 65998.

The proposed project is included in the planned growth under the *Envision 2040 General* Plan and by itself, would not increase the demand for schools, libraries, or public parks beyond the capacity of existing facilities. Therefore, the proposed project would have a less than significant impact on schools, libraries or parks in San Jose. **(Less than Significant Impact)**

4.14.3 Conclusion

The proposed project would not result in significant impacts to public services in the City. **(Less Than Significant Impact)**

[30] Odell Planning and Research Inc. *San Jose Unified School District Development Fee Justification Study*. April 2014.

4.15 RECREATION

4.15.1 Setting

The City of San José currently operates 185 neighborhood parks (including skate parks), 25 community centers, nine regional parks, and over 54 miles of trails. Amenities within the neighborhood parks can include basketball courts, exercise (par) courses, picnic tables, playgrounds, restrooms, soccer fields, softball fields, swimming pools, and tennis courts. Planning, acquisition, and development of parks and recreational facilities in San José are the responsibility of the Parks, Recreation, and Neighborhood Services Department.

Roosevelt Park is located approximately 0.5 miles east of the project site. Selma Olinder Park is Approximately 1.3 miles southeast of the project site.

4.15.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☒	☐	1,2
2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐	1,2

4.15.2.1 Impacts to Recreational Facilities
(Checklist Items 1, 2)

The proposed project is included in the planned growth under the *Envision 2040 General* Plan and by itself, would not result in substantial adverse physical impacts associated with the provision of new public recreation facilities. Future residents of the project site would incrementally increase the demand and use of existing recreational facilities, however, the incremental increase in demand would not result in the substantial deterioration of existing facilities or require new or expanded facilities. **(Less Than Significant Impact)**

4.15.3 Conclusion

Implementation of the proposed project would not result in a significant impact on recreational facilities in the City of San Jose. **(Less Than Significant Impact)**

4.16 TRANSPORTATION

The following discussion is based on a Trip Generation and Operations Analysis prepared by *Hexagon Transportation Consultants, Inc.* in March 2016. The report is attached as Appendix F of this Initial Study.

4.16.1 Setting

4.16.1.1 *Existing Roadway Network*

Regional Access

Regional access to the project site is provided by US 101, SR 87 and I-280. Local site access is provided by E. Santa Clara Street, E. St. John Street, 10th Street and 11th Street. The local roadways and regional freeways are described below.

US 101 is an eight-lane freeway (three mixed-flow lanes and one HOV lane in each direction) in the vicinity of the site. US 101 extends northward through San Francisco and southward through Gilroy. Access to and from the site is provided via an interchange at Santa Clara Street and its junction with I-280.

SR 87 is primarily a six-lane freeway (four mixed-flow lanes and two HOV lanes) that is aligned in a north-south orientation within the project vicinity. SR 87 begins at its interchange with SR 85 and extends northward, terminating at its junction with US 101. SR 87 provides access to US 101 and I-280/I-680. Access to the site to and from SR 87 is provided via interchanges at Julian Street/St. James Street and Santa Clara Street and its junction with I-280.

I-280 is an eight-lane freeway in the vicinity of the site. It extends northwest to San Francisco and east to King Road in San Jose, at which point it makes a transition into I-680 to Oakland. Access to the site is provided via its interchanges with 10th and 11th Streets.

Local Access

E. Santa Clara Street is an east-west, four-lane street that serves as the southwest boundary of the project site. E. Santa Clara Street provides access to and from the site via N. 11th Street.

E. St. John Street is an east-west two-lane street located north of the project site. E. St. John Street provides access to and from the site via N. 10th Street and N. 11th Street.

N. 10th Street is a one-way street in the southbound direction. N. 10th Street provides access to and from the project site via E. Santa Clara Street and N. 11th Street.

N. 11th Street is a one-way street in the northbound direction. N. 11th Street provides direct access to the project site via one site driveway.

4.16.1..2 *Existing Transit, Pedestrian, and Bicycle Facilities*

Bus Service

The downtown area is served by many local bus lines. The bus lines that operate within a quarter of a mile walking distance of the project site are listed in Table 4.16-1, including their route description and commute hour headways. The nearest bus stops to the project site are east of the intersection of N. 11th Street and E. Santa Clara Street across from the project's frontage on E. Santa Clara Street, and west of the intersection along E. Santa Clara Street and across N. 11th Street from the project site.

Table 4.16-1: Existing Bus Service Near the Project Site

Bus Route	Route Description	Headway[1]
Local Route 22	Palo Alto Transit Center to Eastridge Transit Center via El Camino	12 min
Local Route 23	DeAnza College to Alum Rock Transit Center via Stevens Creek	12 min
Local Route 63	Almaden Expway. & Camden to San Jose State University	30 min
Local Route 64	Almaden LRT Station to McKee & White via Downtown San Jose	15 min
Community Bus Route 65	Kooser & Blossom Hill to 13th & Hedding	45-50 min
Local Route 72	Senter & Monterey to Downtown San Jose	15 min
Local Route 73	Snell/Capitol to Downtown San Jose	15 min
Local Route 81	San Jose State University to Vallco	30 min
Rapid 522	Palo Alto Transit Center to Eastridge Transit Center	15 min

Notes:
[1] Approximate headways during peak commute periods.

VTA Light Rail Transit (LRT) Service

The Santa Clara Valley Transportation Authority (VTA) currently operates the 42.2 mile VTA light rail line system extending from south San Jose through downtown to the northern areas of San Jose, Santa Clara, Milpitas, Mountain View and Sunnyvale. The service operates nearly 24-hours a day with 15-minute headways during much of the day.

The Mountain View-Winchester and Alum Rock-Santa Teresa LRT lines operate along 1st Street and 2nd Street through downtown. The Santa Clara LRT station is located approximately 2/3 mile west of the project site. The San Jose Diridon station is located along the Mountain View-Winchester LRT and is served by Caltrain, ACE, and Amtrak.

Pedestrian

Pedestrian facilities in the project area consist primarily of sidewalks along all surrounding streets including the project's frontages on E. Santa Clara Street and N. 11th Street. Crosswalks are located in the signalized 10th and 11th streets intersections with Santa Clara Street and St. John Street. The

existing sidewalks will provide residents with a safe connection between the project site and surrounding land uses and SJSU.

Bicycle

The existing buffered bike lanes along 10th and 11th Streets will provide the opportunity for safe and convenient bicycle travel to and from the project site. The bike lanes along 10th and 11th Streets provide the project site with viable connections to surrounding pedestrian/bike and transit facilities.

4.16.1.3 *Applicable Plans, Policies, and Regulations*

Regional

Metropolitan Transportation Commission

Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted the final *Plan Bay Area* in July 2013 which includes the region's Sustainable Communities Strategy and the most recently adopted Regional Transportation Plan (2040).

Santa Clara Valley Transportation Agency Congestion Management Plan

The Santa Clara Valley Transportation Agency Congestion Management Plan (CMP) require a transportation analysis to be prepared when a project would add 100 or more peak hour trips to the roadway network. Projects that generate fewer than 100 trips in either peak hour are presumed to have a less than significant impact on the Level of Service (LOS) of local intersections that would carry project traffic.

City of San Jose

City of San Jose Protected Intersection Policy

The City of San Jose has identified intersections throughout the City that are considered Protected Intersections in the City's Transportation Level of Service (LOS) Policy, Council Policy 5-3. Protected intersections consist of locations (there are a total of 25) that have been built to their planned maximum capacity and where expansion of the intersection would have an adverse effect on other transportation facilities (such as pedestrian, bicycle, transit systems, etc.). Protected Intersections are, therefore, not required to maintain a Level of Service D, which is the City of San Jose standard. The deficiencies at all 25 Protected Intersections in the City of San Jose have been disclosed and overridden in previous EIRs.

Level of Service Standards and City Council Policy 5-3

As established in City Council Policy 5-3 "Transportation Impact Policy" (2005), the City of San José uses the same level of service (LOS) method as the CAMP, although the City's standard is LOS D rather than LOS E. According to this policy and GP Policy TR-5.3, an intersection impact would be satisfactorily mitigated if the implementation of measures would restore level of service to existing conditions or better, unless the mitigation measures would have an unacceptable impact on the neighborhood or on other transportation facilities (such as pedestrian, bicycle, and transit facilities). The City's Transportation Impact Policy (also referred to as the Level of Service Policy) protects pedestrian and bicycle facilities from undue encroachment by automobiles. The project is located within the Downtown Core, which is exempt from the City's standard of maintaining LOS D.

Envision 2040 General Plan

Various policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to transportation. Those most applicable to the project are listed below.

Relevant General Plan Policies

Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy CD-2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.
Policy CD-3.3	Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

San José Bicycle Master Plan

The Bicycle Master Plan, also known as the San José Bike Plan 2020, defines the City's vision to make bicycling an integral part of daily life in San José. The plan recommends policies, projects, and programs to realize this vision and create a San José community where bicycling in convenient,

safe, and commonplace. The Bike Plan defines a 500 mile network of bikeways that focuses on connecting off-street bikeways with on-street bikeways.

4.16.1.4 *Existing Intersection Operations*

Study Intersections

In order to evaluate the project's potential to result in significant traffic impacts, a traffic study was completed by *Hexagon Transportation Consultants, Inc*. in March 2016. The following intersections were selected for study in consultation with the City of San Jose staff:

- St. John Street and 11th Street (Protected Intersection)
- St John Street and 10th Street
- Santa Clara Street and 11th Street (Protected Intersection)
- Santa Clara Street and 10th Street
- San Fernando Street and 11th Street
- San Fernando Street and 10th Street

Methodology

Traffic conditions at the study intersections were evaluated using level of service (LOS). Level of Service is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. The correlation between average delay and LOS is shown in Table 4.16-2.

Table 4.16-2: Intersection Level of Service Definitions Based on Average Control Delay

Level of Service	Description	Average Control Delay Per Vehicle (Sec.)
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths	Up to 10.0
B	Operations with low delay occurring with good progression and/or short cycle lengths	10.1 to 20.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.1 to 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 55.0
E	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	55.1 to 80.0
F	Operation with delays unacceptable to most drivers occurring due to oversaturation, poor progression, or very long cycle lengths.	Greater than 80.0

Source: Transportation Research Board, *Highway Capacity Manual 2000* (Washington, D.C., 2000)

Existing LOS of Study Intersections

Traffic conditions were analyzed for the weekday AM and PM peak hours. The weekday AM peak hour of traffic is generally between 7:00 and 9:00 AM, and the weekday PM peak hour is typically between 4:00 and 6:00 PM. It is during these periods that the most congested traffic conditions occur on a typical weekday. Existing traffic volumes were obtained from new peak-hour intersection turning movement counts completed in May 2015. SJSU was in session at the time that counts were collected. Intersection lane configurations and signal timing and phasing were verified in the field. The results of the intersection level of service analysis under existing, existing plus project, background and background plus project conditions are summarized in Table 4.16-4 and Table 4.16-5. Results of the intersection level of service analysis under existing conditions show that all study intersections are currently operating at LOS C or better conditions.

4.16.1.5 *Background Intersection Operations*

Background traffic conditions represent conditions anticipated to exist after completion of the environmental review process but prior to operation of the proposed development. It takes into account planned transportation system improvements that will occur prior to implementation of the proposed project and background traffic volumes. Background peak-hour traffic volumes are calculated by adding estimated traffic from approved but not yet constructed development to the existing conditions. The background LOS for the study intersections are provided in Table 4.16-4 and Table 4.16-5.

4.16.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	1,15
2. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	1,15

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
3. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	1,2
4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	1
5. Result in inadequate emergency access?	☐	☐	☒	☐	1
6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐	1,2

4.16.2.1 *Transportation Impacts – Overview*

This Traffic Operations Study was completed in accordance with the Santa Clara Valley Transportation Authority Congestion Management Program guidelines and the standards and methodologies set forth by the City of San José. Santa Clara County Valley Transportation Authority is the congestion management agency for the City of San Jose. According to the City of San Jose's standards, a project-generated increase in traffic is considered to have a significant impact if for either peak hour:

1. The level of service at the intersection degrades from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under background plus project conditions; or

2. The level of service at the intersection is an unacceptable LOS E or F under background conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by four (4) or more seconds and the volume-to-capacity ratio (V/C) to increase by one percent (.01) or more).

3. The level of service at a designated Protected Intersection is an unacceptable LOS E or F under background conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by two (2) or more seconds and the volume-to-capacity ratio (V/C) to increase by one-half percent (.005) or more.

Based on VTA's guidelines for member agencies (including the City of San Jose), a complete Traffic Impact Analysis (which includes a level of service analysis) for congestion management purposes shall be performed for any project in Santa Clara County expected to generate 100 or more net new weekday (AM or PM peak hour) or weekend peak hour trips, including both inbound and outbound trips. A trip generation analysis was completed for the project to determine if the proposed project would require a TIA, as described below.

4.16.2.2 *Project Trip Generation*

(Checklist Item 2)

Traffic trips generated by the proposed project were estimated using the "Apartment", "Retail", and "Office" rates in the Institute of Transportation Engineers (ITE) Trip Generation Manual. The trip generation estimates for the proposed project are shown in Table 4.16-3. The proposed project would result in fewer than 100 new peak hour trips; therefore, a full TIA is not required, and the project is in conformance with VTA CMA Guidelines.

Table 4.16-3: Project Trip Generation Estimates

			AM Peak Hour Trips			PM Peak Hour Trips		
Land Use	Size	Daily Trips	In	Out	Total	In	Out	Total
Proposed Land Uses								
Residential (Apartments)	86 units	572	9	33	42	34	19	53
Retail[1]	5,624 sf	249	3	2	3	7	8	15
Office	5,816 sf	64	8	1	9	2	7	9
Total Gross Project Trips		774	18	36	54	39	29	68
Existing Land Uses								
Retail	7,256 sf	399	6	3	9	11	13	24
Net Project Trips		**475**	**14**	**33**	**47**	**30**	**20**	**50**

Notes:
Source: ITE Trip Generation, 9th Edition 2012.
[1]The AM peak-hour trip generation rate for specialty retail center is not available in the ITE Trip Generation Manual. Therefore, the AM peak-hour rate for specialty retail center was derived based on standard ITE rates for shopping center land uses

The addition of project traffic would not result in the degradation of LOS or increase in average delay by more than 1.0 second at each of the study intersections during each of the peak hours analyzed.

4.16.2.3 *Project Traffic Impacts*

Existing Plus Project Intersection Operations

(Checklist 2)

Existing plus project peak hour traffic volumes were estimated by adding the estimated project generated traffic to the existing traffic volumes. Existing plus project conditions were evaluated relative to existing conditions in order to determine the effects the project would have on the existing roadway network. The results of the intersection level of service analysis under existing plus project conditions are summarized in Table 4.16-4 on the following page.

Table 4.16-4: Level of Service Summary								
			Existing		Existing + Project			
Study Number	**Intersection**	**Peak Hour**	**Avg. Delay**	**LOS**	**Avg. Delay**	**LOS**	**Incr. In Crit. Delay**	**Incr. In Crit. V/C**
1	11th Street and St. John Street	AM	8.7	A	8.6	A	-0.1	0.011
		PM	12.4	B	12.3	B	-0.1	0.006
2	10th Street and St. John Street	AM	14.0	B	14.9	B	0.9	0.020
		PM	13.5	B	13.9	B	0.3	0.012
3	11th Street and Santa Clara Street	AM	18.9	B	19.0	B	0.1	0.005
		PM	20.2	C	20.4	C	0.1	0.010
4	10th Street and Santa Clara Street	AM	17.9	B	18.1	B	-0.1	0.010
		PM	25.9	C	26.1	C	0.1	0.007
5	11th Street and San Fernando Street	AM	8.3	A	8.3	A	0.0	0.004
		PM	9.8	A	9.8	A	0.0	0.000
6	10th Street and San Fernando Street	AM	15.1	B	15.1	B	0.0	0.009
		PM	18.4	B	18.4	B	0.0	0.005
Note: **Bold** indicates a substandard level of service.								

As shown in Table 4.16-4, all intersections are operating at LOS C or better. Under existing plus project conditions, the addition of project trips would not cause significant delays in the study intersections and all intersections would continue to operate at a LOS C or better. **(Less Than Significant Impact)**

4.16.2.4 *Background Plus Project Intersection Operations*
(Checklist Item 2)

The LOS of the study intersections was calculated under background plus project conditions by adding the net new project trips from the proposed development to the background condition traffic volumes. As shown in Table 4.16-5 on the following page, the project would not degrade the LOS of intersections when combined with future projects in the area. **(Less Than Significant Impact)**

Table 4.16-5: Background Plus Project Intersection Operations								
			Background		Background Plus Project			
Study Number	Intersection	Peak Hour	Avg. Delay	LOS	Avg. Delay	LOS	Incr. In Crit. Delay	Incr. In Crit. V/C
1	11th Street and St. John Street	AM	8.7	A	8.5	A	-0.1	0.011
		PM	12.4	B	12.8	B	-0.1	0.006
2	10th Street and St. John Street	AM	14.0	B	14.2	B	0.9	0.020
		PM	13.5	B	14.3	B	0.3	0.012
3	11th Street and Santa Clara Street	AM	18.9	B	19.8	B	0.1	0.005
		PM	20.2	C	20.4	C	0.1	0.010
4	10th Street and Santa Clara Street	AM	17.9	B	17.7	B	0.2	0.010
		PM	25.9	C	28.5	C	0.2	0.007
5	11th Street and San Fernando Street	AM	8.3	A	8.7	A	0.0	0.004
		PM	9.8	A	10.8	B	0.0	0.000
6	10th Street and San Fernando Street	AM	15.1	B	15.5	B	0.0	0.009
		PM	18.4	B	21.5	C	0.1	0.005

Note:
Bold indicates a substandard level of service.

4.16.2.5 *Site Access and On-Site Circulation*
(Checklist Items 4, 5)

Site Access

The proposed project would be served by a limited right-in/right-out driveway along N. 11th Street located approximately in the same location as the existing site driveway, approximately 115 feet north of Santa Clara Street. The limited-access driveway on 11th Street would be gated and would provide access to a two-level 67 space parking garage. The project-generated trips that could occur at this driveway are 17 inbound trips and 36 outbound trips during the AM peak hour and 39 inbounds trips and 29 outbound trips during the PM peak hour.

On-Site Circulation

The City's standard width for two-way drive aisles is 26 feet wide where 90-degree parking is provided. The project proposes drive aisles on each garage level to measure 24 feet wide. The second floor of the garage will be restricted to the use of residents only with a gate at the ramp up to the second level located approximately 58 feet from the garage entrance. Access to the retail/office parking area on the first level will be provided via an access gate located approximately

34 feet from the garage entrance within the garage. The access gate to the retail/office parking will remain open during business hours and closed during the evening. A third gate within the garage on the first level will separate first floor resident and retail/office parking.

Circulation through each level of the parking garage would not be continuous due to dead-ends at each of the drive aisles. Vehicles would need to back down drive aisles when exiting parking stalls located adjacent to garage walls at each end of the drive aisles on each of the parking levels. The parking spaces adjacent to walls at the ends of the dead-end aisle on each parking level will be restricted to future residents with assigned parking. Given that residents will be familiar with the parking garage and will not be circulating the garage in search of available parking, the dead-end drive aisles and parking adjacent to walls would not increase hazards through its design.

Long-term bicycle parking will be located within the garage at the rear of both levels. Access to the bicycle parking areas will require that tenants utilize the security gates on each level that separate resident and retail/office parking areas.

Emergency Access

Based on the conceptual site plan (refer to Figures 3.1-1, -2), the proposed project would not substantially increase hazards due to a design feature or result in inadequate emergency access. **(Less Than Significant Impact)**

4.16.2.6 *Consistency with Applicable Plans*
(Checklist Item 1)

Proposed development is consistent with applicable transportation policies in the General Plan and is consistent with General Plan land use and growth assumptions. The results of the trip generation analysis showed that the project would not have significant impacts on intersections, roadway segments or freeways in the vicinity. For these reasons, the project does not conflict with the 2040 Envision San Jose General Plan.

The project is consistent with the San José Bike Plan 2020 and proposes 272 interior bicycle parking spaces on-site in the proposed parking garage and 28 exterior spaces. The project would not significantly impede existing or planned bicycle facilities.

The project would not conflict with any policies, plans, or programs to encourage alternative transportation programs. **(Less Than Significant Impact)**

4.16.2.7 *Impacts to Transit Service, Pedestrian, and Bicycle Facilities*
(Checklist Item 6)

Transit Services

The project is directly served by several bus lines that run along Santa Clara Street and provide a link to major transit services provided within the Downtown area. The Santa Clara/Alum Rock VTA Bus Rapid Transit (BRT) line is currently under construction and will run on Santa Clara Street when completed.

As part of the proposed Transportation Control Measures, future project employees would be provided with transit use incentives which may include VTA EcoPasses or Clipper Cards, and/or a transportation allowance equivalent to the value of on-site market rate parking. It is anticipated that these new riders could be accommodated by the current available capacities of the LRT and bus services in the project area. The proposed project would, therefore, not significantly impact transit services. **(Less Than Significant Impact)**

Pedestrian and Bicycle Facilities

Sidewalks are provided along the streets that border the project site. Crosswalks and pedestrian signal heads are located at the N. 11th Street and East Santa Clara Street signalized intersections. Overall the existing sidewalks have good connectivity and would provide pedestrians with safe routes to the surrounding land uses in the area. The existing buffered bike lanes along 10th and 11th Streets will provide the opportunity for safe and convenient bicycle travel to and from the project site. The bike lanes along 10th and 11th Streets provide the site with viable connections to surrounding pedestrian/bike and transit facilities. The project would not result in adverse impacts to existing pedestrian facilities. **(Less Than Significant Impact)**

Bicycle Parking

The project proposes 28 exterior, short-term and 272 interior, long-term bicycle parking spaces. The City of San Jose Standards require one (1) bicycle parking space per four (4) living units and one (1) bicycle parking space per 4,000 sf of retail and office floor areas. The proposed project is required to provide 26 bicycle parking spaces to meet City standards. The proposed 28 short-term and 272 long-term bicycle parking would exceed the City's bicycle parking requirement. **(Less Than Significant Impact)**

4.16.2.8 *Other Transportation Impacts*

(Checklist Items 3, 6)

Parking

The City of San Jose Municipal Code (Chapter 20.90) states that office, business and administrative, and retail sales, goods and merchandise land uses are required to provide one space per 250 sf of floor area. Based on the proposed 5,816 sf of office and 5,624 sf of retail, the project is required to provide a total of 24 off-street parking spaces for the office uses and 23 off-street parking spaces for the retail uses. Per the City of San Jose Municipal Code, multiple dwelling unit development is required to provide:

Bedroom Unit Size	Parking Spaces per Unit
Studio and 1-bedroom	1.25
2 bedroom	1.7
3 bedroom	2.0
Each additional bedroom	0.15

Based on the City requirements, the project is required to provide 164 off-street spaces for the proposed 86 residential units. Including the retail component of the project, a total of 211 off-street parking spaces are required per City parking requirements. The City of San Jose Urban Village Overlay parking reductions are applicable to the project site since the project is located within the East Santa Clara Street Urban Village. The Urban Village Overlay allows for a reduction in the required on-site parking by 20 percent. The application of the reduction would result in the requirement of 169 on-site parking spaces for the project. The project proposes a total of 67 on-site parking stalls (34 street level spaces and 33 second level spaces), and 16 motorcycle spaces on the second level. On-street parking is provided on nearly all streets within a quarter of a mile radius of the project site. Much of the surrounding on-street parking is already utilized by existing residents in the area. Based on the standard City of San Jose parking requirements, the proposed on-site parking would be short by 102 parking spaces.

The project would include Transportation Control Measures (TCM) such as designating a portion of the parking spaces for short term parking only (1 – 2 hours), for customers of the commercial tenants on the first and second floors. Additional TCMs would include entering intoa contract to provide a parking space for use by ZipCar, or other ride sharing platforms. Based on the anticipated tenants of the proposed project (i.e., students who are less likely to own vehicles), the inclusion of TCMs, and the availability of transit in the project area, the proposed parking would be adequate to serve the project.

Airport

The project would not impact air traffic patterns. See *Section 4.8 Hazards and Hazardous Materials* for discussion of the project's compliance with federal aviation regulations. **(No Impact)**

4.16.3 Conclusion

The proposed project would not result in significant transportation or circulation impacts. **(Less Than Significant Impact)**

The project would not result in any impacts to air traffic patterns. **(No Impact)**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Setting

4.17.1.1 *Water Service*

Water service is provided to the site by the San José Water Company.

Recycled Water

Tertiary treated (or 'recycled') water serves as a source of water supply and comprises approximately 13 percent of the City's overall water supply. Recycled water is supplied from South Bay Recycled Water, which provides advanced tertiary treated water from the San José—Santa Clara Regional Wastewater Facility (formerly known as the San José/Santa Clara Water Pollution Control Plant). The City of San Jose recycles approximately one percent of its water through non-potable uses by businesses, industries, parks, and schools along pipeline routes. The City's recycled water program delivers recycled water throughout the City for landscaping, parks, public services and businesses. Recycled water is not currently used on-site for landscape irrigation.

4.17.1.2 *Wastewater*

Wastewater from the City of San Jose is treated at the San José-Santa Clara Regional Wastewater Facility. The Regional Wastewater Facility is owned jointly by the two cities and is operated by the City of San José's Department of Environmental Services. The facility is one of the largest advanced wastewater treatment facilities in California and serves over 1,400,000 people in San José, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga, and Monte Sereno[31]. The Regional Wastewater Facility provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day[14].

The Regional Wastewater Facility is currently operating under a 120 mgd dry weather effluent flow constraint. This requirement is based upon the State Water Resources Control Board and the Regional Water Quality Control Board concerns over the effects of additional freshwater discharges from the Regional Wastewater Facility on the saltwater marsh habitat, and pollutant loading to the Bay. Approximately ten percent of the facility's effluent is recycled for non-potable uses and the remainder flows into San Francisco Bay. The NPDES permit for the Regional Wastewater Facility, which includes wastewater discharge requirements was reissued on November 1, 2014.

Wastewater currently discharges to the sanitary sewer system from the existing commercial uses on the site. Sanitary sewer lines that serve the project site are owned and maintained by the City of San Jose.

[31] City of San Jose Environment website. *San Jose-Santa Clara Regional Wastewater Facility.* Available at: <http://www.sanjoseca.gov/index.aspx?NID=1663> . Accessed on April 11, 2016.

4.17.1.3 *Storm Drainage*

The project site is in the Coyote Watershed and stormwater runoff from the project site drains via existing storm drain lines to the Guadalupe River, which ultimately flows north to the San Francisco Bay.

4.17.1.4 *Solid Waste*

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and was reviewed in 2004 and 2007. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. In 2008, the City of San Jose diverted approximately 60 percent of the waste generated in the City. According to the IWMP, the County has adequate disposal capacity beyond 2022. In October 2007, the San Jose City Council adopted a Zero Waste Resolution, which set a goal of 75 percent waste diversion by 2013 and zero by 2022. The City landfills approximately 700,000 tons per year of solid waste including 578,000 tons per year at landfill facilities in San Jose. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year.

San Jose granted Republic Services a 15-year exclusive franchise to collect most standard garbage, recycling, and organics from businesses that went into effect on July of 2012. Pursuant the City's solid waste ordinances and Republic's agreement for providing solid waste services in the City of San Jose[4], Republic has the exclusive right and duty to collect, transport, and dispose of all commercial solid waste in the City of San Jose.

4.17.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	1,2
2. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1,2
3. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1,2
4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1,2

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
5. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	1,2
6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1,2
7. Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☒	☐	1,2

4.17.2.1 *Water and Wastewater Facility Impacts*
(Checklist Items 1, 2, 5)

The project would increase developed space on the site from approximately 7,256 sf to 134,419 sf. The current commercial/retail use would change to include residential units and office space which would increase the amount of water used on-site. On-site landscaping would use irrigation systems designed to exceed minimum efficiency. The proposed project is included in the planned growth under the *Envision 2040 General* Plan and by itself, would not generate water demand beyond the capacity of existing facilities. **(Less Than Significant Impact)**

The project is currently connected to existing sewer lines in N. 11th Street and E. Santa Clara St., and the project site would retain those connections during the redevelopment. No new or expanded sanitary sewer lines downstream of the project are required, although the project may require an upgrade of the connections on-site. Redevelopment of the project site is consistent with growth anticipated in the 2040 City of San José General Plan and would not exceed wastewater treatment requirements. **(Less Than Significant Impact)**

The available treatment capacity at the Facility for the City of San José is 38.8 million gallons per day (mgd). Based on a sanitary sewer hydraulic analysis prepared for the General Plan FEIR, full build out under the General Plan would generate average dry weather flows by approximately 30.8 mgd. Since development allowed under the General Plan would not exceed the City's allocated capacity at the Facility, and since the proposed project is consistent with the development assumptions in the General Plan, implementation of the proposed project would have a less than significant impact on wastewater treatment facilities. **(Less Than Significant Impact)**

Wastewater from the project site is treated at the San Jose-Santa Clara Regional Wastewater Facility. Wastewater generated by the proposed project would be more than quantities to the existing use. Since the development has been accounted for in the General Plan, the existing wastewater treatment facility has the capacity to serve the project site. **(Less Than Significant Impact)**

4.17.2.2 *Stormwater Impacts*
(Checklist Item 3)

The project would be required to comply with the NPDES Municipal Regional Permit and all applicable plans, policies, and regulations (including RWQCB permits) for the treatment of stormwater (refer to *Section 4.9,* for more detail). No new or expanded stormwater drainage facilities are required to serve the project. For all these reasons, implementation of the proposed project would have a less than significant impact on the City's storm drainage system. **(Less Than Significant Impact)**

4.17.2.3 *Water Supply Impacts*
(Checklist Item 4)

The project site would be redeveloped with an 86 residential unit structure and additional retail/commercial and office space on the first and second floors. While water usage would be more than the existing usage on-site, the proposed development has been accounted for in the General Plan and would, therefore, not exceed the capacity of the San Jose Water Company to provide water on-site. **(Less Than Significant Impact)**

4.17.2.4 *Solid Waste Impacts*
(Checklist Items 6, 7)

Since 2011, the City of San José requires new construction projects to comply with the provision of the 2013 California Green Building Code Standards (CALGreen). Proposed projects are required to comply with the CALGreen standards that pertain to construction and demolition debris recycling.

Prior to issuance of a demolition permit, the project applicant shall submit documentation to the City of San José demonstrating how it would achieve compliance with construction waste reduction, disposal, and recycling requirements of CALGreen. Documentation shall consist of either a construction waste management plan or evidence showing how the project applicant would comply with the demolition waste management ordinance. Implementation of this condition would divert construction and demolition debris from landfills such that is would comply with local statues and regulations related to solid waste. The proposed development with residential and commercial uses was included in the General Plan and, therefore, would not generate excessive waste beyond the capacity of landfills serving the project site. **(Less Than Significant Impact)**

4.17.3 Conclusion

The project would not result in any utility or service facility to exceed its current capacity or require the construction of new infrastructure or service facilities. **(Less Than Significant Impact)**

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	1-15
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐	1-15
3. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☒	☐	1-15
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1-15

4.18.1 Project Impacts

As discussed in the individual sections, the proposed project would not degrade the quality of the environment with the implementation of identified mitigation measures, standard permit conditions and existing regulatory requirements. As discussed in Section 4.3, *Air Quality* and in Section 4.12, *Noise*, implementation of mitigation measures and standard permit conditions to reduce dust and temporary noise during construction, would reduce project air quality and noise impacts to a less than significant level. With the implementation of mitigation measures discussed in Section 4.5, *Cultural Resources*, impacts to unknown buried archaeological resources would also be reduced to a less than significant impact.

As discussed in Section 4.6, *Geology and Soils*, conformance with standard permit conditions and practices would ensure that the proposed structure would be designed properly to account for expansive soils on the site and prevent soil erosion, resulting in a less than significant impact to geology and soils.

As discussed in Section 4.8, *Hazards and Hazardous Materials,* lead-based paint and asbestos containing materials may be in the structures on site and would be released upon building demolition. Implementation of the mitigation measures outlined in Section 4.8 would reduce potentially significant impacts from lead-based paint and ACMs to a less than significant level.

With implementation of standard permit conditions, the project would prevent stormwater pollution and minimize sedimentation during construction, as discussed in Section 4.9, *Hydrology and Water Quality.* **(Less Than Significant Impact with Mitigation)**

4.18.3 Cumulative Impacts

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

4.18.2.1 *Cumulative Traffic Impacts*

The traffic analysis described in Section 4.16, *Transportation* shows implementation of transportation demand management measures and the project's proximity to transit, pedestrian and bicycle facilities, would reduce vehicle trips generated from the project. The project would not result in a significant traffic impact, and the project would generate less than 100 new AM and PM peak hour trips. The project, therefore, would not result in a significant cumulative traffic impact. **(Less Than Significant Cumulative Impact)**

4.18.2.2 *Air Quality and Greenhouse Gas Cumulative Impacts*

The project would emit criteria air pollutants and GHG emissions and contribute to the overall regional and global emissions of such pollutants. By its very nature, air pollution is largely a cumulative impact. The project-level thresholds identified by BAAQMD (which the project's impacts were compared to in Section 4.3, *Air Quality*) are the basis for determining whether a project's individual impact is cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As discussed in Section 4.3, *Air Quality* with the implementation of standard permit conditions and mitigation measures to reduce construction emissions, the project would have a less than significant impact on air quality. The project would also have a less than significant long-term operational impact on air quality. For these reasons, the project would have a less than significant cumulative impact on air quality. The project's cumulative impacts on GHG emissions is discussed in Section 4.7, *Greenhouse Gas Emissions* and it was concluded that the project would have a less than significant (cumulative) greenhouse gas emissions impact. (**Less Than Significant Cumulative Impact)**

4.18.2.3 *Other Cumulative Impacts*

The project site and surrounding area are completely developed. The project would not impact biological, agricultural, aesthetic, forestry, trees, or mineral resources. Similarly, the project would not contribute to cumulative impacts to these resources.

The project's effects on archaeological resources and geology and soils are specific to the project site and would not contribute to cumulative impacts elsewhere. Project impacts would be reduced to a less than significant level through implementation of mitigation measures and the City's standard conditions. **(Less Than Significant Cumulative Impact)**

4.18.4 Direct or Indirect Adverse Effects on Human Beings

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include hazardous materials, geologic hazards, and noise. Implementation of mitigation measures, standard permit conditions, and General Plan policies would reduce these impacts to a less than significa,nnt level. No other direct or indirect adverse effects on human beings have been identified.
(Less Than Significant Impact)

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1. Professional judgement and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.
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3. City of San Jose. *Zoning Ordinance.*
4. California Department of Conservation. *Santa Clara County Important Farmland 2012.* Map.
5. Bay Area Air Quality Management District. *Bay Area 2010 Clean Air Plan.* September 15, 2010.
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9. Archives & Architecture. *Historical Evaluation – 505-525 East Santa Clara St.* September 24, 2015.
10. Holman & Associates. *N. 11th St. SJ Literature Search*. September 18, 2015.
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